



3 1761 11701877 0

Coren
Publ

HANDBOUND
AT THE



UNIVERSITY OF
TORONTO PRESS

Government
Publications

CAI

XY 15

- 257

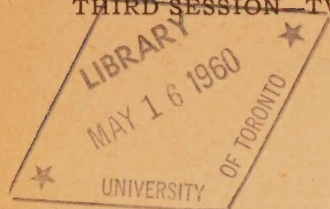


Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761117018770>

6343
THIRD SESSION TWENTY-FOURTH PARLIAMENT

1960



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

FRIDAY, APRIL 1, 1960

WEDNESDAY, MAY 4, 1960

WITNESSES:

From the Dominion Abitibi Band, Amos, Quebec:

Mr. Thomas Rankin

From the Dominion Abitibi Band, LaSarre, Quebec:

Messrs. Philip O'Guish and Louis Houdet

From the Department of Citizenship and Immigration:

Mr. H. M. Jones, Director of Indian Affairs Branch

MEMBERS OF THE COMMITTEE
FOR THE SENATE

Hon. James Gladstone,
Joint Chairman,
Hon. W. A. Boucher,
Hon. D. A. Croll,
Hon. V. Dupuis,
Hon. M. M. Fergusson,
Hon. R. B. Horner,

Hon. F. E. Inman,
Hon. J. J. MacDonald,
Hon. L. Methot,
Hon. S. J. Smith (*Kamloops*),
Hon. J. W. Stambaugh,
Hon. G. S. White—12.

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman,*
Mr. H. Badanai,
Mr. G. W. Baldwin,
Mr. M. E. Barrington,
Mr. A. Cadieu,
Mr. J. A. Charlton,
Mr. G. K. Fraser,
Mr. D. R. Gundlock,
Mr. M. A. Hardie,
Mr. W. C. Henderson,
Mr. F. Howard,
Mr. W. H. Jorgenson,
Mr. S. J. Korchinski,

Mr. R. Leduc,
Mr. J. J. Martel,
Mr. H. C. McQuillan,
Mr. H. J. Michaud,
Mr. G. W. Montgomery,
Mr. R. Muir (*Cape Breton North
and Victoria*),
Hon. J. W. Pickersgill,
Mr. A. E. Robinson,
Mr. R. H. Small,
Mr. E. Stefanson,
Mr. W. H. A. Thomas—24.

Quorum—9

M. Slack,
Clerk of the Committee.

E
92
A45-
1960
no. 1-7



1017208

ORDERS OF REFERENCE

HOUSE OF COMMONS

WEDNESDAY, March 9, 1960.

Resolved—That a Joint Committee of the Senate and House of Commons be appointed to continue the examination and consideration, begun by a Joint Committee of the Senate and House of Commons, pursuant to a resolution of the House on April 29, 1959, of the *Indian Act*, Chapter 149, R.S.C. 1952, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, on the social and economic status of the Indians;

That twenty-four Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said Committee, and that Standing Order 67(1) of the House of Commons be suspended in relation thereto;

That the records, exhibits and evidence received and taken by the Joint Committee during the last session of Parliament aforesaid be made available to the said Joint Committee and made part of the records thereof;

That the said Committee have power to call for persons, papers and records and examine witnesses under oath; to sit while the House is sitting, and to report from time to time; and to print such papers and evidence from day to day as may be ordered by the Committee and that Standing Order 66 be suspended in relation thereto;

And that a Message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deems advisable, some of its members to act on the proposed Joint Committee.

TUESDAY, March 15, 1960.

Ordered—That the 24 Members of the House of Commons to act on behalf of the House as Members of the Joint Committee on Indian Affairs be as follows: Messrs. Dorion, Badanai, Baldwin, Barrington, Cadieu, Charlton, Fraser, Gundlock, Hardie, Henderson, Howard, Jorgenson, Korchinski, Leduc, Martel, McQuillan, Michaud, Montgomery, Muir (*Cape Breton North and Victoria*), Pickersgill, Robinson, Small, Stefanson and Thomas; and

That a Message be sent to the Senate to inform Their Honours that the foregoing Members have been appointed to act on behalf of the Commons on the said Joint Committee of both Houses.

TUESDAY, April 5, 1960.

Ordered—That nine members constitute a quorum of the Joint Committee on Indian Affairs, provided that both Houses are represented.

Attest.

L.-J. RAYMOND,
Clerk of the House.

ORDERS OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate of Canada:

TUESDAY, March 15, 1960.

The Honourable Senator Aseltine moved, seconded by the Honourable Senator Macdonald, P.C.: That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to continue the examination and consideration, begun by a Joint Committee of the Senate and House of Commons, pursuant to a resolution of the Senate on May 5, 1959, of the *Indian Act*, Chapter 149, R.S.C. 1952, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, on the social and economic status of the Indians;

That the following Senators be appointed to act on behalf of the Senate on the said Joint Committee, namely, the Honourable Senators Boucher, Croll, Dupuis, Fergusson, Gladstone, Horner, Inman, MacDonald, Méthot, Smith (*Kamloops*), Stambaugh and White.

That the records, exhibits and evidence received and taken by the Joint Committee during the last Session of Parliament aforesaid be made available to the said Joint Committee and made part of the records thereof;

That the said Committee have power to call for persons, papers and records and examine witnesses under oath; to sit during sittings and adjournments of the Senate, and to report from time to time; and to print such papers and evidence from day to day as may be ordered by the Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

MONDAY, April 4, 1960.

The Honourable Senator Gladstone, Joint Chairman, from the Joint Committee of both Houses of Parliament on Indian Affairs, presented their first Report, as follows:

FRIDAY, April 1, 1960.

The Joint Committee of the Senate and the House of Commons on Indian Affairs make their first Report, as follows:—

Your Committee recommend that 9 Members of the Committee constitute a quorum, provided that both Houses are represented.

All which is respectfully submitted.

JAMES GLADSTONE,

Joint Chairman.

With leave of the Senate,

The Honourable Senator Gladstone moved, seconded by the Honourable Senator MacDonald, that the Report be now adopted.

The question being put on the motion, it was—

Resolved in the affirmative.

Attest.

JOHN F. MACNEILL,
Clerk of the Senate.

REPORT TO THE SENATE

MONDAY, April 4, 1960.

The Joint Committee of the Senate and the House of Commons on Indian Affairs make their first Report, as follows:—

Your Committee recommend that 9 Members of the Committee constitute a quorum, provided that both Houses are represented.

All which is respectfully submitted.

JAMES GLADSTONE,
Joint Chairman.

REPORT TO THE HOUSE OF COMMONS

TUESDAY, April 5, 1960.

The Joint Committee of the Senate and the House of Commons on Indian Affairs has the honour to present the following as its

FIRST REPORT

Your Committee recommends that 9 of its members constitute a quorum, provided that both Houses are represented.

Respectfully submitted,

NOËL DORION,
Joint Chairman.

MINUTES OF PROCEEDINGS

FRIDAY, April 1, 1960.

(1)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met for organization purposes at 10.30 a.m. this day.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Horner, Inman, MacDonald, Stambaugh, and White.

The House of Commons: Messrs. Badanai, Baldwin, Cadieu, Charlton, Dorion, Fraser, Gundlock, Henderson, Howard, Jorgenson, Korchinski, Leduc, Martel, Montgomery, Muir (*Cape Breton North and Victoria*), Robinson, Small, and Stefanson.

On motion of Honourable Senator Horner, seconded by Honourable Senator MacDonald, the Honourable Senator Gladstone was appointed the Joint Chairman representing the Senate.

On motion of Mr. Jorgenson, seconded by Mr. Muir (*Cape Breton North and Victoria*), Mr. Noël Dorion was appointed the Joint Chairman representing the House of Commons.

Agreed—On the suggestion of Mr. Howard, that Senator Gladstone, in view of his experience, be given permission to question witnesses as they appear.

On motion of Mr. Fraser, seconded by Mr. Small,

Resolved—That a Vice-Chairman be elected.

On motion of Mr. Fraser, seconded by Mr. Montgomery,

Resolved—That Mr. Charlton be Vice-Chairman of the Committee.

The Honourable Senator Gladstone thanked the Committee for electing him as Joint Chairman.

Mr. Dorion thanked the Committee for the honour conferred on him.

The Orders of Reference were read by the Clerk of the Committee.

On motion of Mr. Howard, seconded by Mr. Stefanson,

Resolved—That the Committee recommend to both Houses of Parliament that 9 of its members constitute a quorum provided that both Houses are represented.

On motion of Mr. Howard, seconded by Mr. Martel,

Resolved—That the Committee print 1500 copies in English and 500 copies in French of its Minutes of Proceedings and Evidence.

On motion of Mr. Montgomery, seconded by Mr. Leduc,

Resolved—That a Steering Committee, comprised of the Joint Chairmen and 5 members, to be chosen by them, be appointed.

Mr. Dorion announced that he would call a meeting of the Steering Committee shortly in order to arrange, if possible, several sittings for the following week.

At 10.55 a.m., the Committee adjourned to the call of the Chair.

WEDNESDAY, May 4, 1960.

(2)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Senator Gladstone and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Inman, and MacDonald.

The House of Commons: Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Fraser, Hardie, Henderson, Howard, Jorgenson, Martel, McQuillan, Muir (Cape Breton North and Victoria), Stefanson, and Thomas.

In attendance: From the Dominion Abitibi Band, Amos, Quebec: Messrs. Thomas Rankin and Moise Kistabish; From the Dominion Abitibi Band of La Sarre: Messrs. Philip O'Guish and Louis Houdet. From Indian Affairs Branch: Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director: From the Department of National Health and Welfare: Dr. H. A. Procter, Associate Director (Medical), and Mr. W. B. Brittain, Associate Director (Administration), Indian and Northern Health Services.

The Vice-Chairman announced the composition of the Subcommittee on Agenda and Procedure, comprising the following Senators and Members: Honourable Senator James Gladstone, Honourable Senator Fergusson and Messrs. Dorion, Charlton, Jorgenson, Hardie and Howard.

The Clerk read the First Report of the Steering Subcommittee as follows:

Your Subcommittee recommends that representatives of the following Indian bands or organizations be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Abitibi Dominion Band (2 official delegates) to be heard on May 4th.
2. St. Regis Band Council (2 official delegates) to be heard on May 5th.
3. Indian Association of Alberta (2 official delegates) to be heard on May 11th.
4. North American Indian Brotherhood (2 official delegates) to be heard on May 12th.
5. Federation of Saskatchewan Indians (2 official delegates) to be heard on May 25th.
6. Aboriginal Rights Committee (2 official delegates) to be heard on May 26th.
7. Nishga Tribal Council (2 official delegates) to be heard on May 26th.
8. Blackfoot Band—Alberta (2 official delegates) to be heard on June 9th.
9. Blood Band—Alberta (2 official delegates) to be heard on June 9th.
10. Saddle Lake Band—Alberta (2 official delegates) to be heard on June 9th.

Your Subcommittee recommends that the Committee pay, on behalf of the official delegates of the above-mentioned Indian bands or organizations, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (Such period not to exceed two days).

Your Subcommittee also recommends that representatives of the following organizations be called to appear on the dates indicated below, before the joint Committee on Indian Affairs:

1. Ontario Indian Advisory Committee (Province of Ontario) to be heard on May 18th.

2. Indian-Eskimo Association to be heard on May 19th.
3. Province of Manitoba, to be heard June 1st.
4. The Anglican Church of Canada, to be heard June 2nd.
5. United Church of Canada, to be heard June 8th.

On motion of Mr. Howard, seconded by Honourable Senator Fergusson,

Resolved,—That the First Report of the Steering Subcommittee be now concurred in.

On the suggestion of Mr. Thomas,

Agreed,—That a list of Indian bands and organizations who requested a hearing be printed as an appendix to this day's proceedings. (*See Appendix "A"*)

Agreed,—That the briefs from the following Quebec Bands and one Association be printed as appendices to this day's evidence:

Eastmain Band (*See Appendix B1*)

Obedjiwan Band (*See Appendix B2*)

Rupert House Band (*See Appendix B3*)

Mistassini Band (*See Appendix B4*)

Long Point Band (*See Appendix B5*)

Barrière Lake Band (*See Appendix B6*)

Northern Citizens Guidance Association (*See Appendix B7*)

Messrs. Rankin and Kistabish were introduced and Mr. Rankin read a brief dealing with housing project, fur conservation plan, income and relief and was questioned thereon.

Questioning concluded, the Vice-Chairman introduced Messrs. O'Guish and Houdet and then called Mr. Houdet who read a comprehensive brief.

Mr. Jones, Director of the Indian Affairs Branch, also supplied information to the Committee.

At 11.30 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(3)

The Committee resumed at 3.30 p.m., the Joint Chairmen, Honourable Senator Gladstone and Mr. Noël Dorion, presiding.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Gladstone, Inman, and Smith (*Kamloops*).

The House of Commons: Messrs. Cadieu, Charlton, Dorion, Hardie, Henderson, Howard, Jorgenson, Korchinski, Martel, McQuillan, Muir (*Cape Breton North and Victoria*), Small, Stefanson, and Thomas.

In attendance: Same as at morning sitting and including Hon. Ellen Fairclough, Minister of Citizenship and Immigration.

Mr. Dorion thanked the Vice-Chairman, Mr. Charlton, for presiding at this morning's sitting during his absence.

Mr. Jones supplied answers to questions raised at this morning's sitting in connection with sale of beaver fur, relief assistance and a resolution from the Abitibi Dominion Band Council to purchase land near Amos. On the suggestion of Mr. McQuillan, it was agreed that the detail

of the answers given by Mr. Jones be taken as read and included in this day's evidence.

Mr. Houdet was called, made a further statement and was questioned.

Mr. Rankin was recalled, and he made an additional statement on fur conservation and was again questioned.

Mr. O'Guish made a statement in the Indian language, which was translated by Mr. Rankin, in which he asked for housing accommodation and other assistance.

Mr. Jones also supplied additional information to the Committee.

Mr. Houdet was recalled and he summarized his previous presentation in which he sought assistance in various matters.

At 5.40 p.m., the Committee adjourned until 9.30 a.m. Thursday, May 5, 1960.

M. Slack,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, May 4, 1960.

The VICE-CHAIRMAN (Mr. Charlton): Ladies and gentlemen, I see a quorum; and I think we should get started with the meeting.

In the absence of your joint chairman, Mr. Dorion, I am happy to take over this morning. I will do my best to carry on the proceedings of the committee.

The first order of business is to announce the composition of the steering committee. It is composed of Senator Gladstone, Senator Fergusson, Mr. Dorion, Mr. Charlton, Mr. Jorgenson, Mr. Hardie, and Mr. Howard.

At this time I would ask the Clerk of the Committee to read the report of the steering committee.

The Clerk of the Committee:

FIRST REPORT OF STEERING COMMITTEE ON INDIAN AFFAIRS

Your subcommittee recommends that representatives of the following Indian bands or organizations be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Abitibi dominion band (2 official delegates) to be heard on May 4.
2. St. Regis band council (2 official delegates) to be heard on May 5.
3. Indian association of Alberta (2 official delegates) to be heard on May 11.
4. North American Indian brotherhood (2 official delegates) to be heard on May 12.
5. Federation of Saskatchewan Indians (2 official delegates) to be heard on May 25.
6. Aboriginal rights committee (2 official delegates) to be heard on May 26.
7. Nishga tribal council (2 official delegates) to be heard on May 26.
8. Blackfoot band—Alberta (2 official delegates) to be heard on June 9.
9. Blood band—Alberta (2 official delegates) to be heard on June 9.
10. Saddle Lake Band—Alberta (2 official delegates) to be heard on June 9.

Your subcommittee recommends that the committee pay, on behalf of the official delegates of the above-mentioned Indian bands or organizations, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (such period not to exceed two days).

Your subcommittee also recommends that representatives of the following organizations be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Ontario Indian advisory committee (province of Ontario) to be heard on May 18.
2. Indian-Eskimo association to be heard on May 19.
3. Province of Manitoba, to be heard June 1.
4. The Anglican Church of Canada, to be heard June 2.
5. United Church of Canada, to be heard June 8.

Mr. THOMAS: Mr. Chairman, I wonder if we could have for the record a list of all applications. Are there many of them which are not mentioned in that report?

The VICE-CHAIRMAN: Yes, there are quite a number.

Is it your wish to have a copy of the list of those who have requested to be here?

Mr. BADANAI: It would be helpful.

Mr. McQUILLAN: Yes.

The VICE-CHAIRMAN: That can be arranged.

Mr. THOMAS: Mr. Chairman, I feel it would be advisable to have on the record an explanation from the steering committee as to why it was found advisable to grant the request of some of the applicants, in preference to others. I think it might help those who will be disappointed because they cannot come.

The VICE-CHAIRMAN: Mr. Thomas, I do not think there are any. The steering committee has tried to do their best in choosing those bands and organizations so that they will coincide with the districts or with certain provinces. It is meant to be representative. I do not think there has been anyone, who has asked to come, who has been refused. Let that be clear. Arrangements are being made in the itinerary for any organization or band that has asked to be here.

Mr. THOMAS: I understand there was a request. As a matter of fact, I sent a request myself on behalf of a group of bands in southwestern Ontario, known as the union of Ontario Indians. This application came in months ago and, no doubt, these people will be disappointed because they have not been granted an opportunity to appear. I thought it would be well to have on the record an explanation such as you have given, Mr. Chairman.

Mr. JORGENSEN: Perhaps I can clarify this for Mr. Thomas. We have made arrangements only up to June 9. The number of bands we will be able to hear is dependent upon how long the session lasts. There is still a possibility, if the session continues—and it looks as though it might for a while—that this organization will be heard.

Mr. THOMAS: I understand that, Mr. Chairman. Could we have the assurance, or a reasonable assurance, that all applicants will be heard?

The VICE-CHAIRMAN: We cannot assure that all applicants will be heard this session, because we do not know how much time we are going to have. However, we are crowding them in as well as we can, under the circumstances. We are meeting two days a week and, because of the scarcity of rooms in the building and secretarial staff, we cannot have any more than the two days. We have tried to figure it out the best way possible, considering everything; and we can assure you that the union of Ontario Indians will be heard just as soon as it is possible to get them here. That is all the assurance we can give.

Mr. THOMAS: Well, that is what I wanted—some explanation for the benefit of those belonging to the union of Ontario Indians.

The VICE-CHAIRMAN: I think it was decided upon that we have a list of all the organizations which have asked to be here. This would benefit the members of the committee. Was that decided upon?

Agreed.

The VICE-CHAIRMAN: It can be printed as an appendix to this committee report.

Mr. THOMAS: I would appreciate that.

The VICE-CHAIRMAN: Is that satisfactory?

Agreed.

The VICE-CHAIRMAN: I would ask for a motion for concurrence in the steering committee's report.

Mr. HOWARD: I so move.

Senator FERGUSON: I second the motion.

The VICE-CHAIRMAN: All those in favour? Contrary, if any

Motion agreed to.

There is a list in existence of those organizations from Quebec, and we thought it best that that should be included in the report today as an appendix. These bands are as follows: Eastmain band, Obedjiwan band, Rupert's House band, Mistassini band, Long Point band, Barriere lake band and northern citizens guidance association. This will be included as an appendix to this day's report, if satisfactory to you. These bands have sent in briefs. Although they are not asking to be heard, we thought it best to include their briefs in the report, if that is agreeable.

Agreed.

Gentlemen, we have with us today Mr. Thomas Rankin and Moise Kistabish from the Dominion Abitibi band. I think, in all probability, they will be the first heard.

There is a second brief, to be presented later, by Philip O'Guish, who is accompanied by Louis Houdet, who represent another section of the dominion Abitibi band.

At this time I would ask Thomas Rankin and Moise Kistabish to come forward.

Mr. MARTEL: Mr. Chairman, may I be permitted to welcome these delegates at this time.

These gentlemen come from my riding. Mr. Rankin is the chief of the dominion Abitibi band. He is the elected chief, and we are very glad to have him, along with his friend, Mr. Kistabish, here.

May I also welcome Mr. O'Guish, who is accompanied by Mr. Houdet.

Two separate briefs have been prepared.

I might explain, Mr. Chairman, that the main group of the dominion Abitibi band live near Amos, and their elected chief is Mr. Rankin. There is also a group that live near La Sarre, where they have been living for years. These groups have recommendations of their own to make, and that is why they have prepared briefs to present.

The VICE-CHAIRMAN: Mr. Rankin and Mr. Kistabish, we welcome you here. On behalf of the committee I wish to say that we will be very happy to hear your remarks. I believe, Mr. Rankin, you will be presenting the brief.

Mr. MARTEL: Yes, Mr. Chairman. I believe there are copies of the brief.

The VICE-CHAIRMAN: Yes.

Are you ready to proceed, Mr. Rankin?

Chief TOM RANKIN (*Chief, Dominion Abitibi Band*): I am here to present this memorandum. Therefore, I will read it to you exactly as it is. I am not very well educated and you will have to give me a chance.

The VICE-CHAIRMAN: I am sure the committee will.

Chief RANKIN: Thank you.

Presented to the committee of the Indian Affairs, Department of Citizenship and Immigration.

The Abitibi Band council respectfully submits for consideration by this Senate and House of Commons committee:

— I —

Housing Project

That the majority of the families of the Abitibi reserve have taken up residence in or near the towns of Amos, La Sarre and Senneterre.

The reason of this migration towards these organized centers is mainly due to the fact that the average family could not decently live on the earnings of their fur trapping.

At the same time, they wanted to be nearer these centers for medical and hospital care and for educational facilities.

Approximately forty of these families moved to the town of Amos, where they live in tenements which are overcrowded and lacking in several ways of adequate hygienic and sanitary facilities.

Are there any questions so far?

The VICE-CHAIRMAN: If you will proceed with the brief we will ask questions afterwards.

Chief RANKIN:

Therefore, it is recommended that the department of Indian affairs build at least thirty houses as an initial residential project to ensure permanent suitable living quarters for these families on the Leclerc farm which was purchased for a village site project, some years ago and which has been surveyed in 1959.

These houses should be supplied with modern hygienic equipment and it is suggested that the cost of the waterworks and sewage disposal system could be paid out of the Band's reserve funds.

II

Fur conservation plan.

That the plan put into effect some years ago had and probably still has its usefulness. However, the prices on the fur market have declined, and the average trapper cannot earn sufficiently to make a fair living. Since about 95% of the furs trapped are beaver, and that the average sales price is approximately ten dollars per skin, when the standard charge of \$4.00 per skin for the administration of the fur conservation plan has been deducted, as well as the insurance, shipping and transportation costs have been deducted, the net profit on a beaver skin averages \$3.00 or \$4.00, which does not make trapping a paying proposition, under the prevailing economic conditions.

As a matter of fact, only one Indian family is trapping north of Amos in the bush this winter.

Due to the present situation, we feel that the Department should take heed of the prevailing market and other economic conditions in the application of this fur conservation plan to make it less expensive for the Indian trapper.

III

Income and relief.

That, since the average Indian is not considered a "skilled" worker, the only kind of employment open to him is more than often irregular and temporary; for instance, in the Abitibi district, this man might find employment:

(a) As a hunting or a fishing guide, for approximately 15 or 30 days a year;

(b) As helper for prospectors or stakers of mining claims, now and then;

(c) As lumberman for 3 or 4 months, in the winter time;

(d) As a standard labourer for odd types of work, when and if he can obtain employment.

It should be kept in mind, also, that a rather important percentage of the local Indians are not healthy enough and physically fit for the type of work above mentioned—

This is not exactly in my words. These are the words of somebody else who, of course, is a lawyer.

The VICE-CHAIRMAN: You are doing fine.

Chief RANKIN:

On the other hand, very few of them can work long enough to qualify for unemployment relief.

We believe that some improvement could be effected in the actual relief system and we also suggest that the amounts be increased, proportionately with the needs of their recipients.

Now you can go ahead and question me. This is a very hard job for me, but I do my best.

The VICE-CHAIRMAN: I am sure the committee understands how difficult it is for you.

We will start the questioning. I would suggest to the committee that the questioning be on the first part of the brief, the housing project. We will try to hold the questions to that part of the brief before continuing on to the second part. If any members have questions to ask Mr. Rankin I am sure he will be glad to try to answer them for you.

Mr. HOWARD: Might I ask Mr. Rankin, with respect, about the Leclerc farm which he says was purchased for a village site project. Is that now a reserve?

Chief RANKIN: It is.

Mr. HOWARD: How far is it from your Abitibi reserve? Is it part of it? Is it considered as the Abitibi reserve?

Chief RANKIN: There was no reserve there when we bought the farm.

Mr. HOWARD: How far is it from Amos and Senneterre.

Chief RANKIN: Only 1½ miles from Amos.

Mr. HOWARD: This is where your people live now, who have moved to Amos.

Chief RANKIN: Yes.

Mr. McQUILLAN: Mr. Rankin, did the band purchase this farm? Was it purchased out of band funds?

Chief RANKIN: By the government.

Mr. FRASER: May I ask a question. If this was purchased by the government is it considered part of the Indian reserve?

I am just wondering if it was part of the Indian reserve, on account of its being purchased for the Indians.

Chief RANKIN: As I told you just now—I will give you quite a good, long answer—we had a reserve in Ontario, in Abitibi, but it was 40 miles crossing the lake. There was no road, no telephone line, nothing whatsoever, so we decided to refuse this. So we have been looking for land for maybe 10, 15 years, until we found Mr. Leclerc to sell his land.

Mr. BADANAI: What was the price paid for the farm?

Mr. FRASER: Could I have that question answered, Mr. Chairman?

The VICE-CHAIRMAN: I wonder if Colonel Jones could help by answering that question. Perhaps he could give the departmental explanation for it, at least.

Colonel H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): Yes. If I understood Chief Rankin to say that this reserve near Amos was bought from government funds, I think he is incorrect in saying that. His own band bought that from band funds. It is now a legal Indian reserve.

Mr. FRASER: That is what I wanted to know.

Mr. JONES: They have a large reserve, No. 70, situated in the province of Ontario. No one lives on it, as far as I know.

Mr. MARTEL: I think what Colonel Jones means there is that the reserve was bought maybe from the band funds, but the negotiations were carried on by the department of Indian affairs for the band; is that right?

Mr. JONES: At their request, yes.

Mr. MARTEL: Mr. Rankin, you told the committee it took, maybe not 10 or 15 years, but you were looking for a place for the reserve for some time. Were all the negotiations carried out by yourself, or the band, or through the Indian Affairs agent at Amos?

Chief RANKIN: Yes.

Mr. MARTEL: Who suggested buying that particular piece of land? Was it the band itself, or—

Chief RANKIN: We had been asking for the reserve. I am very glad that you told me, Colonel Jones, that that land has been paid for by the band funds. But they were not supposed to.

I have already mentioned here the band funds—it will be on the water works, the sewer, and some other things, because on any reserve the government does not furnish the water works, electricity, telephone lines, roads.

I do not even know how much band fund we have, so today I am here to know. We always figured that piece of land was paid for by the government.

Mr. MARTEL: Who told you that? Were you told that by the agent at Amos? When you bought the land, did you sign an agreement, or did you sign a contract for buying that land?

Chief RANKIN: Not that I know. I went to Quebec and I met Colonel Jones and Mr. Fortier, and I asked in front of them that we need that piece of land. After I got back, the piece of land was already bought.

Mr. McQUILLAN: When was this land bought?

Chief RANKIN: That was in 1955, if I do not mistake it.

Mr. McQUILLAN: Can you tell us how much was paid for it, and how many acres there are involved in it?

Chief RANKIN: They tell us there are two lots, 40—

Mr. McQUILLAN: Two forty-acre lots?

Mr. MARTEL: No, they would be 100-acre lots, I suppose—about 100 acres?

Chief RANKIN: Yes, 100 acres.

Mr. MARTEL: They are about 100 acres each.

Chief RANKIN: You know the farm lots there. He says he has two full lots there to sell.

Mr. McQUILLAN: Do you know how much the band paid for this land?

Chief RANKIN: They must have paid around \$7,000.

Mr. MARTEL: You do not recall signing a contract to buy; but when you asked Colonel Jones and Mr. Fortier to have the department buy the land, that was authorized by your band: you were willing at the time for the land to be bought for your band?

Chief RANKIN: That is right.

Mr. MARTEL: Since then, have you done any work, other than the survey you mentioned that was carried out in 1955?

Chief RANKIN: It is only that time.

Mr. MARTEL: There are no houses there yet?

Chief RANKIN: No houses or anything.

Mr. MARTEL: But I believe in the plan of the department there will be housing for the Indians in due course.

Chief RANKIN: Thank you.

Mr. MARTEL: Do you remember at what time of the year this survey was carried out?

Chief RANKIN: That was in October.

Mr. MARTEL: I think the survey was authorized a little sooner, but the final word to carry on was given in October; would that be true?

Chief RANKIN: Yes.

Mr. BALDWIN: Would there not be a resolution, or something in writing, so far as the purchase of this land is concerned? I was rather surprised that Mr. Rankin was not aware of the fact. Would there not be council meetings, or a resolution indicating that the band funds were being appropriated for that purpose?

Chief RANKIN: Yes, we had a meeting when we talked to the band. The agent came. We spoke to him about it. We said we needed that land and we did not want to lose it. We spoke to Mr. Leclerc also, and he said he was willing to sell it. Mr. Leclerc told me he paid cash down, so that lot will be there for the Indians: so I do not know if he paid cash down, or if they paid cash. So it is bad news for me that it has been deducted off the band funds. It was not supposed to be.

Mr. MARTEL: How long have you been chief of that band?

Chief RANKIN: Twelve years.

Mr. BALDWIN: And you are not aware of the fact that there was a resolution, or if there was a resolution approving the transaction?

Chief RANKIN: Well, yes, they should have told me at least, if he wants to deduct it from the band funds.

Mr. MARTEL: Before they purchased that land for your band you were camping near the town, near Amos?

Chief RANKIN: Yes, camping outside the town.

Mr. MARTEL: Just near the first rapid there?

Chief RANKIN: Yes, behind the bishop.

Mr. MARTEL: Behind the bishop's place, yes. How many years had you been camping there, do you recall?

Chief RANKIN: We had been camping there since 1912, I guess.

Mr. MARTEL: Until they bought the new land?

Chief RANKIN: Yes.

Mr. MARTEL: And was there any particular reason why you chose that other spot about a mile and three-quarters north of Amos?

Chief RANKIN: No. It was the first open land, and we bought it.

Mr. MARTEL: It was near the river too?

Chief RANKIN: It was near the river, and a nice place.

Mr. MARTEL: Above the second rapid, and that is why you felt it was a suitable place?

Chief RANKIN: Exactly.

Mr. MARTEL: Was any other land considered also before you made that choice?

Chief RANKIN: Yes, St. Marc de Figuiery.

Mr. MARTEL: Where the school is now?

Chief RANKIN: Where the school is now. When they decided to put up the school, we said okay, we will pick out another one.

Mr. MARTEL: Was there any other reason at the time the land was bought by the Department of Indian Affairs? It is not from the band funds?

Chief RANKIN: I hope not. I know nothing about the band funds.

Mr. MARTEL: Do you get a report from the agent once in a while about the band funds?

Chief RANKIN: No.

Mr. MARTEL: Once a year, or something like that?

Chief RANKIN: No. I do not know how much the band fund is, as I told you. As I mentioned a while ago, I was going to spend this money; but now I do not know if I will have enough.

The VICE-CHAIRMAN: Mr. Martel, I think perhaps Colonel Jones could clear up some of these things from the departmental point of view. I think the committee would like to hear from Colonel Jones now.

Mr. McQUILLAN: I would like to ask a question now, Mr. Chairman, and perhaps Colonel Jones could answer it. Who holds the title to this land that was purchased? Is it in the name of the crown, or is it in the name of the band?

Mr. JONES: It will be the crown, federal, in trust for the Abitibi band. The notes I have of the purchase of Amos Indian reserve No. 1 for the dominion Abitibi band are these: On June 10, 1954, the dominion Abitibi band council passed a resolution recommending that lot 26 and part of lot 27, range 2, Dalguier township, 130 acres, together with buildings thereon be purchased at a cost of \$9,500 from band funds. This resolution also recommended that the land be surveyed into village lots, if and when acquired.

Following a V.L.A. appraisal carried out in March 1955, an offer was made to the owner, Mr. Lucien Leclerc, to purchase at \$7,000, including buildings or \$6,000 without the buildings. Leclerc accepted the latter and the land was acquired, early in 1956. Leclerc was given one year from the date of purchase to remove said buildings.

Legal fees amounting to \$86.70 were paid from appropriation.

The land was set apart for the use and benefit of the dominion Abitibi band and designated "Amos Indian reserve No. 1" by order in council P.C. 1958-1387, dated October 10, 1958.

A survey was carried out in 1958-59 at a cost of approximately \$1,700, paid from band funds.

The VICE-CHAIRMAN: I think Chief Rankin asked another question. What is there now remaining in their band funds?

Mr. JONES: The dominion Abitibi band has a capital fund of \$45,333, and a revenue balance of \$9,528, as of February 29, this year. These statements are sent out once every month to our superintendents in regard to all band funds, the balances and what has happened in each month. We will take note that Chief Rankin has not seen any statement of the band fund balances.

Chief RANKIN: That is one thing I never see in the newspapers.

Mr. MARTEL: Never, in the 12 years you have been elected chief?

Chief RANKIN: No. Here is the letter we wrote on August 17, 1959. This letter has been typed. I sent it to the Ottawa House of Commons. No news. Can anybody tell me where that letter would go?

Mr. MARTEL: Where was it addressed to, Mr. Rankin?

The VICE-CHAIRMAN: It is addressed to Mr. E. W. Innes, committee clerk, August 17, 1959. You have a copy of that letter, Mr. Slack?

Chief RANKIN: You must have it, because I sent it.

Mr. MARTEL: The clerk of the committee was changed between the two sessions, when the second session started.

The VICE-CHAIRMAN: Yes.

Mr. MARTEL: That may be in the file; but there must be a follow-up of this letter, Mr. Rankin, when your coming to this committee was arranged. It may be that they did not acknowledge it, but I suppose they have it on file. When Mr. Slack, the new clerk, took over, he was in touch and wrote you before Easter, I understand?

Chief RANKIN: And a few days ago. But after that, I never heard.

Mr. MARTEL: Mr. Chairman, I would like to clear one point with Colonel Jones. You mentioned, Colonel Jones, that a report was sent every month to your superintendents. Would that be the agent at Amos, or the one at Quebec?

Mr. JONES: At Amos.

Mr. MARTEL: That would be the agent at Amos?

Mr. JONES: That is right.

Mr. MARTEL: Do you keep details of the money that has been spent out of band funds?

Mr. JONES: Yes.

Mr. MARTEL: Like you have given now. Has the agent—I would not say, the power, but does he have authority, or is he required to give this information to the band council? I do not mean every month, but at least once in a while?

Mr. JONES: Oh, yes. We feel that it should be given to the council at the regular monthly meetings.

Mr. MARTEL: So that they keep track of the fund?

Mr. JONES: It is for the information of the Indians, because it is their money and we want them to have monthly information as to what is happening to the trust fund.

Mr. JORGENSON: Is it available to them upon request at any time, Colonel Jones?

Mr. JONES: Yes.

Mr. HOWARD: Mr. Chairman, this is not a question particularly on this band, but relating to the details of band funds being made available, or being brought to the attention of the band itself. I understood the practice which had developed probably a couple of years ago, or maybe a bit less than that, was

to advise the band council of each band what the band fund account, both revenue and capital, was. I did not realize this went through the superintendent, because I have had a number of comments from bands in British Columbia as to what was in the band account, what was in the capital account, and so on. When I told them they should know that, they said they did not hear anything about it, so perhaps it might be as well to ask this question now.

This is probably a bit apart from this specific band's problems; but perhaps it might be as well for the department to contact each independent agent and specifically say that these things should be transmitted to whomever the chief of the council is at the time, if they are not provided directly to him from the branch.

Mr. JONES: Those are our instructions.

Mr. HOWARD: It does not appear to filter through the Indian agent, in many cases.

Mr. JONES: Part of the trouble is irregularity of band council meetings. However, it is the Indians' money, and they are primarily interested in it. We want them to have monthly up-to-date information as to what happens to their revenue and capital accounts.

Mr. HOWARD: It does not always get through.

Senator FERGUSSON: Are these instructions which are given to the Indian agents?

Mr. JONES: Yes.

The VICE-CHAIRMAN: We are wandering now from the theme of the subject.

Mr. McQUILLAN: Perhaps Colonel Jones could tell us the source of these capital funds, which he mentioned here. I think it has a bearing on the whole matter.

The VICE-CHAIRMAN: Yes, it has a bearing.

Mr. JONES: I think it was the sale of timber, if I recall correctly, from the big reserve, Abitibi No. 70. That is the source.

Mr. JORGENSEN: I want to clear up this point concerning band funds.

I want to ask chief Rankin if I understood him correctly to say that in the twelve years that he has been chief he has never seen an account of his band funds?

Chief RANKIN: That is right.

Mr. JORGENSEN: Have you ever asked for them at any time during those twelve years?

Chief RANKIN: Yes.

Mr. JORGENSEN: And they have been refused you?

Chief RANKIN: I was told, "We have no time."

Mr. THOMAS: Mr. Chairman, I would like to ask how long these funds have been in the hands of this band. When was the timber sold?

Mr. JONES: The timber was surrendered in 1942, and sold in 1946. These funds have been in the hands of the department since 1946.

Mr. THOMAS: Another question, Mr. Chairman. Are there regulations governing the disposal of these funds? In other words, has any Indian band the right to spend these funds at will, or are there restrictions imposed on how they are to be spent?

Mr. JONES: They would be dispensed under the provisions of the Indian Act. We try to have the Councils budget each year, based on their anticipated revenue. They budget the money for such things as band salaries, relief,

roads, and things of that nature. They have a pretty free hand, as long as they proceed according to the provisions of the Indian Act. That is the revenue part of it.

Mr. THOMAS: Have any plans been drawn up, either by the band or the department, covering the establishment of this proposed village?

Mr. JONES: Yes, Mr. Chairman. We have \$10,000 in our estimates this year to start some road work on this new Amos Indian reserve. From that will stem a housing program. However, I would not promise that there will be 30 houses built during the first year, because all of it will have to be in proportion.

The big trouble with that band—and I think the chief will agree with me—is the fact that it is divided into two groups. They have a large reserve upon which no one lives. One group seems to use their summer headquarters at La Sarre, and another group at Amos. To the best of our ability, we like to check to see that any program that is instituted will have some permanency. That has been a little of the trouble here.

The survey was carried out last year, and the start on the road work will be undertaken this year. We have plans for a housing development.

Mr. THOMAS: I understand from chief Rankin's story that it was the hope of the Indians that this band fund would be used for sewer services, if I understood him correctly, and development of that kind.

Would sewers be called for in this development, or would septic tanks serve the purpose?

Have any over-all plans been drawn up in order that the Indians themselves would have a clear understanding of what lies within the realm of possibility, as far as their band funds are concerned, or have they ideas which are completely out of line with the amount of their funds.

Mr. JONES: Everything we do, or try to do, is discussed in consultation with the band council. It is their money and, as a rule, it is what they want, provided it seems reasonable. We plan together.

We all know that water and sewer systems are very, very expensive. I do not know whether that would be confined to the digging of wells, or whether the chief has in mind a real water and sewer system. If that were the case, I suggest \$45,000 would not attempt to pay for it. Those are things we would want to plan very carefully with them—whether they would want to take their entire capital to put in a sewer and water system.

Mr. THOMAS: I would understand from that that negotiations or planning between the department and the band have not proceeded up to this date.

Mr. JONES: It is only at the planning stage now. Other bands in that agency have had planning, and gone ahead with it. We are commencing now with this group on the Amos reserve.

Mr. MARTEL: Will the road construction work that is being done this year come out of the government funds?

Mr. JONES: Yes, we have \$10,000 provided for that.

The VICE-CHAIRMAN: Are there any further questions regarding the housing part of the brief? If not, we will move on.

Mr. MARTEL: Mr. Chairman, I have one more question. When the housing project is established, will that be done, as well, by the department?

Mr. JONES: The policy, Mr. Chairman, is to have the Indians, anywhere in Canada, through their own efforts build their own homes, with assistance from band funds, V.L.A., personal labour, personal money and government contribution. We take all those things into consideration, and whether the government appropriation will bear the major part of the cost, or whether the band funds should bear some. We feel everybody should contribute. However, I think the appropriation will help to a considerable extent in this housing program.

Mr. BADANAI: Does the provincial government make any contribution to housing and to the construction of roads on Indian reserves?

Mr. JONES: Not on the reserves.

Mr. FRASER: Mr. Chairman, I have just one question, which deals with something mentioned before.

May I ask the witness if his band keeps the minutes of their different meetings? I ask this question, owing to the fact that you said you did not know who paid for the land, but you thought the government paid for the land. Does your council keep minutes or records of your meetings?

Chief RANKIN: Not exactly. I will tell you one thing—and maybe you still do not understand—but it is this. We attempted to get paid by the government, and we used this band fund to cover that which the government does not furnish on the reserve. So, they bought that reserve out of the fund's money, without notifying the band—no receipt whatsoever.

Mr. FRASER: But what I am getting at is this: when your council meets—and they evidently did meet on this question—they agreed that the government should purchase the land for the bands?

Chief RANKIN: Yes.

Mr. FRASER: And the band council must have agreed to have the band funds used, because that would be in the motion. There is the resolution right there. That is why I ask if your council keeps minutes of your meetings. I say this, owing to the fact that I have two reservations in my own riding. Sometimes I forget, and I know other people forget. I was just wondering if it would not be wise for your council to keep minutes of each meeting.

Chief RANKIN: When we decided to take this reserve we never spoke about a band fund.

Mr. FRASER: I am not asking about that. Do you not think it would be wise if your council kept minutes of every council meeting?

Chief RANKIN: Yes.

Mr. FRASER: Do you not think in the future it would be advisable to do that?

Chief RANKIN: Yes.

Mr. FRASER: And you would know it, and then those who come after you would know it as well.

Chief RANKIN: Yes, they would know everything.

Mr. FRASER: That is the point I was trying to make.

Mr. BADANAI: Does the agent attend your council meetings?

Chief RANKIN: Yes. However, nobody mentioned about that, so what can we do?

Mr. MARTEL: Is there a secretary for the council, or does the agent keep the records—say, the resolution that was passed to acquire that land? I suppose there is a record of that somewhere?

Chief RANKIN: This letter that was made is only amongst the Indians. We never saw the agent.

Mr. MARTEL: But I am referring to before that, over the years?

Chief RANKIN: No, not that I know.

Mr. MARTEL: You do not recall that?

Chief RANKIN: No.

Mr. McQUILLAN: I wonder if Colonel Jones could furnish us with a copy of the resolution, to which reference was made, authorizing the purchase of this land?

Mr. JONES: I will be glad to do so.

Mr. HARDIE: I would like to ask Colonel Jones this question. What is the contemplated cost of each of these houses you are going to build on this reservation?

Mr. JONES: That will be difficult to say, Mr. Chairman, because it will depend on the area, and the wishes of the Indians.

I am only guessing, but it would be between \$2,000 and \$3,000.

Mr. HARDIE: Between \$2,000 and \$3,000?

Mr. JONES: Yes.

Mr. HARDIE: And in connection with the rough guess you made, what do you feel would be the responsibility of the federal government and, in turn, the responsibility of the band funds?

Mr. JONES: I would hesitate to say right here because, if the revenue funds are being used otherwise for a good purpose, the appropriation might take up a little more. We want to have a band effort, and to make sure that, with encouragement, the Indians would carry a lot of the load themselves. No two householders would be the same. One might have a big family, and one no family at all and, therefore, might be able to do a lot of the work, if we provide the material. It is difficult to say. We try to have the utmost contribution.

Mr. HARDIE: At the rate of \$2,000 to \$3,000 per home, 30 homes would run to an amount of \$60,000 or \$90,000, and any portion of that would knock quite a hole in that \$45,000 held in band funds, let alone water, sewage, and all the other things which are required in a housing project.

Mr. JONES: As I said before, seeing it from this distance, the appropriation probably will bear the major part of it.

Senator FERGUSON: Mr. Chairman, I would like to ask Colonel Jones a question. When these houses are built, with the cooperation of the Indians, the department, and using some of the band funds, who owns them? To whom does the title go?

Mr. JONES: That is a good question because, at our suggestion, you will be dealing with this problem later on, because of the peculiar ownership of land. If it is what we call a welfare house, where the government steps in and provides a home for a needy family, and that family should go away and leave the house within a six-month period, we feel we should reserve the right to turn that home over to another needy Indian family. But, to partially answer your question, continued use of that home more or less gives the Indian eventual ownership.

Senator FERGUSON: But he is just there on a permissive basis; he does not have rights there.

Mr. JONES: That depends on whether the allotment system is in effect. Some bands, particularly the western bands, believe in communal band property, and they will not go in for individual allotments; whereas, down east they allot lands to Indians. So, if the Indian has made any contribution himself, and he is on his own allocated land, ownership goes to him. However, if it is a pure welfare case, where the government does it all, we hesitate to let that Indian claim it, if he abandons it.

Senator FERGUSON: I have had the argument put to me by people in my own locality, and on the reserves down there, that the Indians would do much more to improve their houses, except for the fact they do not own it; and they feel they are not going to put a great deal of labour in it for that reason.

Mr. JONES: It is probably due to the allotment system. Maybe those bands at that time, by resolution, allocated those lands to that individual, and when they do that we issue a certificate of possession.

Senator FERGUSON: Oh, you do?

Mr. JONES: Oh, yes. Then that is, to all intents and purposes, a clear title.

Senator FERGUSON: Thank you very much.

The VICE-CHAIRMAN: Could we proceed now to the second part of the brief.

Mr. MUIR (*Cape Breton North and Victoria*): Mr. Chairman, I have one question.

Colonel Jones, I was interested in your remarks with regard to consultation and planning with the bands, concerning the disposal of band funds. Could a representative of your department go into a band meeting and deliver, we will say, an ultimatum, that certain things must be done with certain funds?

Mr. JONES: I would hesitate to do so. We try to be the opposite.

Mr. MUIR (*Cape Breton North and Victoria*): You have never heard of it?

Mr. JONES: Well, our branch is 205 years old. No; I would frown on any of my superintendents going in and delivering ultimatums to Indians.

Mr. MUIR (*Cape Breton North and Victoria*): In other words, all disposals of band funds must be mutually agreed upon.

Mr. JONES: We try to guide them. During the last few years we have been successful in having the majority of bands, who have funds, budget; and they send it in to Ottawa. If they are approved, they are spent.

You may have noticed in the press recently that more and more Indian bands are taking control of their own funds. We send them a cheque; they put it in the bank, and the chief and the secretary write all the cheques. They run their own show.

I would frown on any ultimatums given by members of my staff. We have consultations.

Mr. MUIR (*Cape Breton North and Victoria*): I am glad to hear that.

The VICE-CHAIRMAN: Can we proceed to part two?

Mr. MARTEL: Mr. Chairman, I have one more question.

In connection with the housing project, you mentioned the individual cost would be between \$2,000 and \$3,000.

Mr. JONES: It is just a guess.

Mr. MARTEL: Would that include the contribution that could be made by the Indians themselves to the erecting of the house?

Mr. JONES: That was the sort of range I predicted for that area. The more the individual does, the less the government would have to do. I think those houses would run in that area, irrespective of who paid for them.

Mr. MARTEL: But the amount you mentioned would be the amount contributed for the building, and not including the work that would be done by the Indians.

Mr. JONES: No, I did not mean that. If the Indians were able to produce \$500 labour and \$500 building material, it would mean the government would have to put up only \$2,000.

The VICE-CHAIRMAN: We will proceed now to part two, the fur conservation plan.

Mr. McQUILLAN: Mr. Chairman, I would like to hear a few comments about this—about the standard charge of \$4 a skin for the administration of the fur conservation plan. What is this conservation plan? Who deducts this money? Whom does it go to?

Chief RANKIN: That is easy. Those trappers, they make a map, like a tallyman. We give them \$50 a year, so they deduct \$4 each skin. They are paid by the tallyman cheques. If any one of the trappers does not visit his

ground, or visits his ground and traps but does not make any map as to how many beaver, and so on, then he would not get the \$50 tallyman cheque. That is why we deduct off \$4 each skin. Lately he told me he does not do it any more.

Mr. HARDIE: Do you mean you get \$50 if you farm your trap line?

Chief RANKIN: Yes.

Mr. HARDIE: Who gives you that?

Chief RANKIN: Mr. Conn.

Mr. HARDIE: The federal government gives you \$50 if you farm your trap line?

Chief RANKIN: Yes.

Mr. HARDIE: Where does this \$4 a skin come in?

Chief RANKIN: It is deducted off, by here somewhere.

Mr. HARDIE: If you trap 50 beaver you have a deduction of \$4 per beaver—

Chief RANKIN: That is right.

Mr. HARDIE: —from the sale of your beaver, right?

Chief RANKIN: Yes, that is right.

Mr. HARDIE: Who handles or buys this fur? Who handles it?

Chief RANKIN: The guy that handles it is with us, but the rest of it, we do not know.

Mr. HARDIE: Is it a government board that handles it?

Chief RANKIN: Government, fur conservation.

The VICE-CHAIRMAN: I take it this \$4 is collected till the \$50 is paid back?

Chief RANKIN: Yes.

The VICE-CHAIRMAN: It is not \$4 on every skin trapped?

Chief RANKIN: Yes, \$4 every skin.

Mr. HARDIE: If you trap 50 skin, you are paid \$200?

Chief RANKIN: Yes, exactly.

Mr. THOMAS: How many skin can you trap?

Chief RANKIN: It all depends. A guy can kill so much. We have a special quota, each trapper.

Mr. THOMAS: What is your quota?

Chief RANKIN: We have a quota each. For instance, you have 50 houses and you probably get 50 beaver.

Mr. FRASER: Is that the provincial or federal government that looks after this conservation?

The VICE-CHAIRMAN: Probably Colonel Jones could answer that.

Colonel JONES: I think there is a little misunderstanding here. These fur preserves are set up in the province of Quebec for the benefit of the Indians, and all beaver are marketed through the Quebec fish and game branch. These are the charges. There is a royalty of \$1 charged by the province on every skin sold; that is a provincial royalty. There is a sales commission. I might say the pelts are picked up by our staff. They are tabulated for each owner and graded, marked and flown to Quebec, where they are turned over to the game and fish branch. They are again sorted, into blankets, and the various types the trade know, and then they are put on auction.

The Province handles it from then on, and all the profits are remitted to us for the Indians, each man's account separate. We get the tally sheet first from our own man at Amos that lists every pelt taken and every pelt that is shipped, and the grading, to the best of his ability—the A's and B's or however they do grade beaver.

We get a final accounting from Quebec for every pelt, and deduct our administration costs. There is a sales commission, and I think the difficulty in Chief Rankin's mind is that there is insurance, shipping, and transportation costs which are paid. We do not know of any \$4 charge.

Mr. HARDIE: What is the sales commission?

Colonel JONES: A percentage of the pelt.

Mr. HARDIE: What is the percentage?

Colonel JONES: Between 4 and 5 per cent of the selling price.

Mr. McQUILLAN: Are these furs sold in a public auction, one in which there are other furs involved, or is it only the sale of Indian furs?

Colonel JONES: It is a public auction.

Mr. McQUILLAN: The point I am getting at is this, if it is only Indian furs being sold?

Colonel JONES: I think these public auctions take all the furs they have on hand.

Mr. McQUILLAN: They do, as a rule.

Colonel JONES: Yes.

Mr. HARDIE: Do you have to deal through these provincial fur sales organizations?

Colonel JONES: Not exactly, because we give them to the fur conservation people to take care of.

Mr. HARDIE: You cannot sell to anyone else?

Colonel JONES: No.

Mr. BALDWIN: Do you have any information as to what the average catch would be in the year? Take beaver, for example. Would your record show that, or Chief Rankin's record show that?

Colonel JONES: I think I could get this information. I think it would surprise the committee, because at the time these fur conservation measures started they closed certain areas, and the tallyman system was started, which the Chief mentioned. The Indians get the full benefit, and that runs to hundreds of thousands of dollars for the Indians, particularly in the Abitibi district. We could get figures pertaining to these fur preserves.

Mr. MARTEL: In recent years the price for beaver skins has not been so good?

Colonel JONES: No, that has been the big drawback. The best beaver in Canada come from the Abitibi agency. They are prime pelts, ones that are in demand the world over, from the Chief's area.

The VICE-CHAIRMAN: Are there any further questions on this?

Mr. BALDWIN: Is there any fur ranching in that area? Are there facilities for it, fish and feed?

Chief RANKIN: No.

Mr. BALDWIN: There is no fur ranching at all?

Chief RANKIN: No.

Mr. HARDIE: No fish?

Chief RANKIN: Some. May I say a few words on fur conservation? When they started on fur conservation we had a meeting, and this was said in front of the group. They mentioned this and said it is going to be \$4 for each skin deducted off the tallyman cheques. Everybody was agreed with it.

Finally some of them killed 100 beavers at \$4 a piece, that is quite a bit, and you receive \$50; and then he start to kick. Okay. Now today, the small

beaver, if it is worth \$1, you cannot deduct off \$4, but you deduct off the other one to make it even, and then practically no more left—unless they have changed the law, and we have not heard about it since.

Mr. HARDIE: According to what Colonel Jones said there is a royalty in Quebec of \$1?

Chief RANKIN: Yes.

Mr. HARDIE: Is that based on a percentage of the price that the beaver is sold for, or is that \$1 a skin, regardless of whether it is a blanket beaver or a small pelt?

Chief RANKIN: It does not matter. If it is \$4, it is another \$1 for the royalty. That comes to \$5.

Mr. MARTEL: That would be included in the \$4?

Mr. HARDIE: It must be.

Chief RANKIN: I know what we have been paid. I did some trapping, so I quit.

Mr. MARTEL: When they pay you do they give you a detail of how many skins?

Chief RANKIN: No.

Mr. MARTEL: How much, they charge for transportation?

Chief RANKIN: No, we do not get any piece of paper on this.

Mr. MARTEL: You get a cheque?

Chief RANKIN: We get a cheque; that is all.

Mr. HARDIE: Colonel Jones, could you clear that up?

Colonel JONES: I cannot understand that statement, because we have duplicate lists, their check and the total check. It is my impression the trapper knows from the day we take the furs pretty well how they are going to be graded, subject to what the price is. The most complete returns are made on every individual skin, and we can account for each pelt.

Mr. BALDWIN: Does each individual get a record from your department, showing the number of pelts that he delivered and the terms that he got for them?

Colonel JONES: Yes.

Mr. BALDWIN: Is that information available?

Colonel JONES: Yes.

Mr. BALDWIN: Probably we can get those later on. Colonel Jones could get them for us, perhaps, in one particular shipment.

Colonel JONES: It may be of interest to the committee—seeing that Chief Rankin mentioned the name of Mr. Conn—to know that he is now in Europe, with the Department of Agriculture man who makes a yearly trip to the fur salons of Europe. We have sent him over for the first time, in the interest of the Indian trappers, to see if they could get more beaver on sale in the British, European and Continental markets.

Mr. MCQUILLAN: Mr. Chairman, it appears from these figures the average recovered is only \$7 to \$8 a pelt. Is that about what the market in beaver pelts is?

Colonel JONES: At the present time I think the chief is discussing a lot of small pelts and a lot of inferior pelts, coupled with a low price for beaver. It makes the cost a little higher compared to when you get \$30 or \$40 for a blanket. There is quite a spread.

Mr. HARDIE: Are they only getting \$10 for a blanket now?

Colonel JONES: They are producing some of the best beaver in Canada. I have not looked lately, and I do not know just what the prices are.

Mr. McQUILLAN: I wonder if we could have the department furnish us with some figures on the sale of beaver from this area?

Colonel JONES: Yes.

Mr. McQUILLAN: The sale of all furs.

The VICE-CHAIRMAN: Could you possibly have that for this afternoon's meeting, Colonel Jones—some idea?

Colonel JONES: As usual, we will do our best.

The VICE-CHAIRMAN: Chief Rankin?

Chief RANKIN: I want to talk about this fur conservation again.

The last time I went into the bush—that was five years ago—I had seven beavers and came out, and there were all kinds of buyers then. The buyers go after the trappers. I said, "Those are not legal". They checked them and they graded them. The highest I got was \$115 for a sale. I just cannot sell them because they are not legal, so I turned around and I gave them to the fur conservation. Three months later I received \$47.50 worth of cheque. There you are.

Mr. HARDIE: Did you get a statement?

Chief RANKIN: Nothing.

Mr. HARDIE: I do not understand this, Colonel Jones.

Chief RANKIN: That is one thing I do not understand and perhaps I just talk for nothing, but I want to know something about it.

Mr. HARDIE: Who handles this sale? Is this the Quebec government as well?

Colonel JONES: The Quebec government handle all beaver catches.

Mr. HARDIE: If this man ships fur to this auction, from whom does he receive his receipts or statements—from you or from the Quebec people?

Colonel JONES: The statement of sale?

Mr. HARDIE: Yes, the statement of how much you got for each of his pelts.

Colonel JONES: From the Quebec government through us.

Mr. HARDIE: You send these out to the individual trappers?

Mr. BALDWIN: Through the agent.

Mr. HARDIE: Through the agent?

Colonel JONES: Yes. We have a full-time fur supervisor whose whole job is assisting in the fur conservation scheme.

Chief RANKIN: The fur buyer usually does not sell for the first price. They have money to keep it. If prices were not good they would not sell it. But this fur conservation, they have to sell it every month, even if they give it for poor money, they give it away.

Mr. HARDIE: Do you mean, they have to sell at a particular auction?

Chief RANKIN: Yes, if I bring my beavers in the day before the sale they are going to sell it the next day.

Mr. HARDIE: Regardless of price?

Chief RANKIN: Yes, absolutely. That is the way I understand it.

The VICE-CHAIRMAN: I think, ladies and gentlemen, probably Colonel Jones can get some of these figures for us, and it might clear the situation as far as the committee is concerned.

Chief Rankin, I am sure you would be happy to have some of those figures too?

Chief RANKIN: Very well.

The VICE-CHAIRMAN: Can we move on to "Income and Relief," the third part of the brief?

Mr. HARDIE: We can go back to this when we get this information, is that it?

The VICE-CHAIRMAN: Yes, if Colonel Jones can possibly get it for us this afternoon.

Colonel JONES: We are on the 'phone now.

The VICE-CHAIRMAN: Section No. 3 "Income and Relief," that portion of the brief. We are limited to another half an hour, so I am trying to get through this brief in that time, if we possibly can.

Have you any questions to ask on that?

Mr. JORGENSEN: I notice on the first part of the brief—and I just want to put this on record:

The reason of this migration towards these organized centres is mainly due to the fact that the average family could not decently live on the earnings of their fur trapping.

If you are going to move into these other areas, just what employment do the people of your band expect to take up, in order to provide them with an income?

Chief RANKIN: Just because they cannot get employment because they do temporary work, three or four days, then the job is over.

Mr. STEFANSON: What is the reason for this statement:

A rather important percentage of the local Indians are not healthy enough and physically fit for the type of work—?

Chief RANKIN: This means they are not healthy enough. Some of them are quite old, and could not handle a job.

Mr. STEFANSON: It is a large reserve, and there must be a lot of younger men who would be healthy?

Chief RANKIN: This means we have not got exactly such an age. The young ones are too young to do heavy work in the timber business and the others are too old. Do you get me?

Mr. STEFANSON: Where are the in-between ages?

Chief RANKIN: Between there are not many. We have only increased lately.

Mr. HARDIE: I think this applies to most Indians, that when they hire them and give them a week's good grub they can do a hell of a lot more work than they did the first week.

Chief RANKIN: That is right.

Mr. McQUILLAN: Is there any mining activity, any operating mines near there that can furnish employment?

Chief RANKIN: Yes, but at most of them they could not find a job because there are many visitors from overseas, and they take more jobs than the Canadians these days—take, in the engineering business and the survey, and all that kind of work.

Mr. HARDIE: Are there no Indians working regularly or fully employed by the mines?

Chief RANKIN: No.

Mr. JORGENSEN: Do you try to get employment at the mines?

Chief RANKIN: Yes.

Mr. HARDIE: Do you have a placement officer who goes to the mining companies to offer Indians for placement in work?

Colonel JONES: We have a placement officer for Quebec, and we have a man working in the Chibougama area, in the mines, and there are two mines that are employing them now, one being Opemiska.

Mr. THOMAS: I was going to ask Chief Rankin this: Since the Indian is not considered a skilled worker, do you think, Chief, that more education, more schooling, would help the Indian?

CHIEF RANKIN: Correct.

Mr. THOMAS: Do you think the Indian would appreciate attending school?

CHIEF RANKIN: Yes, more education, that is what they need.

Mr. THOMAS: Is there any farmland in that area?

CHIEF RANKIN: No, not much.

Mr. MARTEL: There is a school for the children?

CHIEF RANKIN: Yes, there is one school.

Mr. MARTEL: It has only been operating four years? It only started four years ago?

CHIEF RANKIN: Yes.

Mr. THOMAS: Do you feel you have adequate educational facilities?

CHIEF RANKIN: Yes, high school and university, and all that kind of thing.

Mr. THOMAS: Have you a high school there for your children?

CHIEF RANKIN: No.

Mr. THOMAS: Where do your children go to school now?

CHIEF RANKIN: There is a boarding school at St. Mark. They go there until 16.

Mr. THOMAS: From 7 to 16?

CHIEF RANKIN: Yes.

Mr. THOMAS: There is no high school?

CHIEF RANKIN: No, there is no high school.

Mr. MARTEL: If I may say this, this program has just started, and there is a technical school at Amos, where the older ones, when they come to 16 will be sent later on. They have to take them from 16 years of age, and those over 16 years. I think they started that just for 12 years of age, down to some coming to 16 years, and they are having only four years of schooling.

CHIEF RANKIN: Since 12 years I have been trying to get a school, but we have only had one since four year ago. Also I have been trying to send the kids away, some other part of the country to have an education. No use.

Mr. McQUILLAN: The schooling has improved there, in that area, considerably recently?

CHIEF RANKIN: Yes.

Mr. McQUILLAN: Schools are available there now for the children to get a fair education?

CHIEF RANKIN: Yes. Another thing I did not know this—the kids, those that are in the school, is there any rule for them to have a vacation on the holiday season—take, for instance, Christmas and Easter week, or something like that?

Mr. MARTEL: Do you mean, to go to their home?

CHIEF RANKIN: Yes, to go to their home.

Mr. HARDIE: How far do they have to go?

CHIEF RANKIN: It all depends. Some come from Obedjiwan and Manouan, 3, 12 miles from there.

Mr. HARDIE: I imagine it may be a proposition where the cost of transportation can come in. If an Indian can pay the cost of transportation, to have a child home, I do not see any reason why he could not go home.

CHIEF RANKIN: Every year I ask for it, and I was ready to pay the transportation can come in. If an Indian can pay the cost of transportation, to have not a home to go to, or something else?

Mr. HARDIE: They come home in the summer time, do they not?

Chief RANKIN: Yes, they come home in the summer.

Mr. HARDIE: The government pays the transportation back?

Chief RANKIN: Yes.

Mr. HARDIE: As to Easter and Christmas, I do not know, Colonel Jones, if the Indians can pay the way of the child back to his home for Christmas and Easter holidays, if he can go?

Colonel JONES: Yes, as a general rule. As you mentioned, Mr. Hardie, as a rule the residential schools draw their pupils from many miles away, and the cost of transporting a child back and forth on a week's holidays is quite prohibitive. There is nothing to prevent their going home for Christmas, if they do not live too far away, if the parents want to pay for it.

Mr. THOMAS: Would there be enough Indian population in this particular new project to have a school of their own?

Colonel JONES: I see no reason why, when there is enough population residing on the new reserve, they should not have a day school there.

Senator FERGUSON: Are any of the women trained to obtain a living—the girls or women—or do they all just live at home?

Chief RANKIN: They all live at home.

Senator FERGUSON: Do any work?

Chief RANKIN: Yes, not the women but the girls.

Senator FERGUSON: The girls do?

Chief RANKIN: Yes.

Mr. MARTEL: Some of the girls work at the hospital?

Chief RANKIN: Yes, and the wool factory, and housekeeping, and things like that.

Senator FERGUSON: When they take a job do they work permanently, keep right on working?

Chief RANKIN: Yes, right now we have run short of girls in Amos. They are all working.

Mr. MARTEL: It is easier to find a job for a girl than a boy?

Chief RANKIN: Yes.

The VICE-CHAIRMAN: Any other questions on this, ladies and gentlemen?

Mr. HENDERSON: Mr. Chairman. I think transporting those children comes into this. I have noticed on the Alaska highway, which is in my territory, they bring these children home at Christmas time and Easter time. I see bus loads of children coming down with their father from, possibly, one of the schools; and I see them getting off the bus at McLeod Lake, I think they should be brought home and that the government should pay for it.

Mr. HARDIE: That could be true, but in my particular riding they would not be able to go on the Alaska highway, but would have to fly at 75 cents a mile. They would have to fly up to 400 miles.

Mr. HENDERSON: I notice a large number of Indian children coming home in bus loads, and they have brought them home and their parents are there to meet them. I do not know where they come from there.

Mr. HARDIE: I was in the Yukon two years ago, at Christmas, or prior to Christmas, and the Indians were working at that time, and they would not have a bus to bring the children from Lower Post, certainly, to Watson Lake.

Mr. HENDERSON: Lower Post is in my district.

Mr. HARDIE: They did not have a bus to haul the kids back to Watson Lake.

Mr. HENDERSON: I am speaking of the Prince George country and Vanderhoff. I was there when the buses arrived. The father was with them and the parents were there. There were great reunions, when they landed there.

Mr. HARDIE: Is it more than likely the men brought them back?

Chief RANKIN: That could be.

Mr. MARTEL: Mr. Rankin, in the last part of the memorandum concerning income and relief I understand most of the Indians in your band have been earning their living in trapping up to now, except the odd jobs working in the lumber camps, or the odd job they took prospecting for mining companies and so on.

The new generation will not be coming to work for a few years yet, and those over 16 years of age have not had a chance to go to school. Do you feel it would be a good idea to have—well, they could not have a very big training program, but do you think it would be a good idea for them to have some kind of training program, for certain types of work?

Chief RANKIN: Yes.

Mr. MARTEL: Under the supervision of the department?

Chief RANKIN: Yes.

Mr. MARTEL: At the Amos technical school, or some vocational training to help them? Do you think that would be a good idea?

Chief RANKIN: Yes.

Mr. MARTEL: I understand also that one of the officers at Amos is looking after the employment. I think we could call him the employment officer, Mr. Cousineau. I think he has started some work in that respect—like finding them jobs in lumber camps, contacting lumber companies and trying to place as many as he can, provided they can do the work.

Chief RANKIN: Take those kids, for instance; by the time they opened the school four years ago, some of them were too old.

Mr. MARTEL: Over 12 years?

Chief RANKIN: Over 12 years. You know, they are growing; they are 16 today. They are looking now for a job, and cannot do anything. All they can do is cut wood in the bush, and it is too difficult for them.

Mr. MARTEL: They do not have training suiting them for anything else but to go in the bush?

Chief RANKIN: No.

Mr. MARTEL: They do not have enough training to work in the city?

Chief RANKIN: No. They do not know anything about the mechanics business or some of the other jobs, you know. Very few of them know how to stake, but that is not enough.

The VICE-CHAIRMAN: As Chief Rankin and Mr. Kistabish will be back this afternoon—and I understand from Colonel Jones that he has left some information in regard to the fur conservation plan—would it be agreeable with the members of the committee if we heard the other briefs before our closing time of 11.30? We could bring Chief Rankin and Mr. Kistabish back this

afternoon for the purpose of asking them questions in regard to the fur conservation plan. Is that agreeable?

Agreed.

Mr. HARDIE: At the same time could Colonel Jones also get the information as to what actually has been paid for relief on this reservation during the past fiscal year?

Mr. JONES: You mean the band—because I do not believe anyone is living on the reservation.

Mr. HARDIE: Yes.

The VICE-CHAIRMAN: I would ask Mr. O'Guish and Mr. Houdet to come to the front.

Mr. Houdet is going to read the brief for this delegation.
Would you proceed, Mr. Houdet.

Mr. LOUIS HOUBET: Mr. Chairman, ladies and gentlemen. First, I must apologize, as Chief Rankin did, for my English.

I am reading the brief for my friend, Mr. O'Guish.

We, the Ojibway Indians, covered by treaty No. 9 signed on June 8, 1906 at the old Indian house of lake Abitibi and known as the James' bay treaty, wish to bring the following to the attention of the members of the Joint Committee of the Senate and House of Commons on Indian Affairs:

When the treaty was signed 53 years ago, His Majesty's government promised to build schools for us and to pay the teachers. After all this time most of the Indians of La Sarre and Low Bush are still illiterate.

We surrendered our land to the Ontario government in exchange for an indemnity which did not amount to much in 1906, but which now is no longer worth anything at all. This is all the more true as on the one hand fur prices have collapsed disastrously, and on the other hand our hunting grounds are becoming depleted of game because they are being opened up to civilization.

The treaty signed by our chiefs provided for the opening up of a reservation of 30,000 square miles known as reservation No. 70 or Abitibi reservation. Nothing has been done about this. The timber was given for cutting and now there is some question of surrendering the cutting of our timber on our reservation, to which we object. We want to go and live on our reservation and not at Amos as the Indian affairs agent wants us to do. Nor do we want to be treated as people who are "hard to get along with" and deprived of medicines, tents or blankets because we refuse to go to Amos.

What is our situation after 52 years under a treaty? Almost 40 per cent of our children died from disease or malnutrition. As chief Rankin mentioned, the number is increasing. Those who live are illiterate and unskilled in any trade. If they had had the opportunity to get an education they no longer want to go back to the bush and trap. They are too educated to live with us and not educated enough to live with the whites.

We are forced to live a nomadic life and the Indian affairs agent refuses us tents. Our aged folk and our children do not even have shelter. It is impossible for us to support our families because none of us earns \$500 from the sale of his furs.

Owing to the instability of the fur market we must find work with the white men. First there is the logging industry, but the season is very short and the wages are not always large. There is also construction

work, but such work is scarce and very often we have to do a great deal of work without receiving the same wages as the whites. At La Sarre two or three years ago Indians were paid \$2 a day to carry and pour cement. There are also the mining companies which do drilling and there are hunters to guide. But one cannot make a living on this. As there is a good deal of unemployment in the area we take second place to the whites.

When we work, the employers do not pay unemployment insurance. And the insurance office says: "You cannot draw benefits". Or the employers pay the income tax to Ottawa with our money and they do not send us the papers we need to obtain a refund of our money, so we pay for nothing.

At La Sarre we are camped beside the river. The water is very bad for drinking. There are almost no fish left and there is no firewood. We have to go two miles in canoes for our drinking water, and still farther for wood. The people of La Sarre complain about our dogs. Our dogs are often hungry and they bark, which prevents people from sleeping.

We are convinced that we must give up trapping and so is the government, because the last time we received something to go trapping with was the year that Hudson's Bay Company closed down in La Sarre and some people did not get anything. Since that there has been nothing. When an Indian asks for help to go into the bush he is told: "Trap, get money and buy it yourself". The head of a family who requested aid so that he could set out into the woods received two loaves of bread, one pound of butter and fifty .22 cartridges, not long but short. Under these conditions it is difficult to set out into the bush for the winter and difficult to live there. All our camps need repairs and we are refused tarpaper. Our tents are full of holes and leak water; they let us in the cold and we are short of blankets. Our children are often sick and when we ask for medicine the agent replies: "Come to Amos". When we are hungry and ask for rations they answer: "Find a job and I will give you some grub".

There is also the fact that we cannot practise our religion. Both Catholics and Protestants have difficulty in remaining good Christians. Our nomadic life and our dispersal do not make it easier for the ministers and priests. Formerly the Catholic had one mission a year, now they have none.

In short, our nomadic life interferes with education and makes it impossible for us a normal life with a house, a church, a school and a public hall; a life in which we can have a trade and work and improve our houses or farms.

That is why we ask you, the representatives of the Canadian people, to help us; that is why we urge you to recommend that we be settled on Reservation No. 70. "We want to stay in Indian place, with Indians and mixed, no matter their origin." We would like to have houses like everyone else. We, the Indians of La Sarre and Low Bush are awaiting the opening of that reservation and like the idea very much.

We would like to have a village of our own on the reservation with adequately-spaced houses, and a school for the children of the lower grades. When the children are older, they will be able to go to the Indian residential School at Amos. We would like to have real houses with beds, mattresses, blankets, a stove and furniture. We could also have a well for water and toilets. Around the houses we would have our gardens and we would do some farming. The government would have to help us at first so that we could farm. We would certainly

need government help to get a large tractor for clearing the land. Later we could have cows, hens and horses. Certainly to start with we would have to have seed and gardening tools. Perhaps the government would also help us to open up a road between the village and the Matheson-Duparquet highway. After that we could have our elected council for the village and our own police to help the Mounted Police.

With regard to our village and our houses, we are very poor and we have nothing. If we do not have help we can do nothing. But we think it is better to help us become good citizens and have houses than to remain ignorant and roaming about in the bush. It would be better in any case for the elderly folk and the children because there would be the school and it would be easier for the doctor. Of course we would need rations at the beginning to be able to subsist, but we want to be self-sufficient.

Therefore we request that someone be sent to us who will show us how to work, so that we will be able to improve our properties and learn to work to earn our living. With regard to the reservation, even if we do not think there is much wood to cut and sell, it will be a good thing to cut it and sell it ourselves. Also we should like to know where our money is which the government received from the wood cut on our reservation. Finally, we should like to know if anyone has the right to cut poplar on our reservation as was allegedly done last year.

That, gentlemen of the Senate and House of Commons, is what we have to say. We have suffered a good deal and we know that everything cannot be settled right away. But we hope that through your intervention the government will be able to deal with our case, because we believe that we are among the most unjustly treated of all the inhabitants of Canada.

The VICE-CHAIRMAN: Thank you very much, Mr. Houdet.

Gentlemen, Mr. Houdet and Mr. O'Guish will be here this afternoon. It is now just about 11.30. We might adjourn now and come back this afternoon at which time we could have the questions on this brief. After that we could bring back the other two delegates when Colonel Jones has the answers on the conservation plan.

Is that agreeable?

Agreed.

The VICE-CHAIRMAN: We will now adjourn until 3:30 this afternoon. We will meet in this same room.

AFTERNOON SESSION

WEDNESDAY, May 4, 1960.

3.30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): We have a quorum, and I would ask you to come to order.

First of all, I would like to take this opportunity of thanking our good vice-chairman for presiding at the meeting of the committee this morning, in my absence. I know all the members were satisfied with the way he carried out his duty.

I believe that Colonel Jones was asked to furnish answers to questions asked this morning, and I would ask him to do so at this time.

Mr. JONES:

Beaver from the Abitibi fur preserve is collected from the Indian trappers by the Indian affairs field officer at Amos who gives a receipt

to the trapper and grades the pelts and ships them to the Quebec game and fish branch. The pelts are graded by the provincial officers and then sent to the fur auction sales.

A royalty of \$1 a pelt payable to the province also a sales commission of 4 to 5 per cent is deducted and the balance is returned to the Indian affairs branch. A 10 per cent administration charge is made against this balance. This includes insurance, shipping costs and the wages of \$50 a year to tallymen who count the number of beaver houses each year, which was mentioned by chief Rankin this morning. Of approximately 40 Indian trappers on the Abitibi beaver preserve last year 36 were paid as tallymen at \$50 a year.

The total production for the 1958-59 season was 1,076 pelts which netted \$10,677.13 to the Indians or about \$10 a pelt.

The average number of beaver pelts per trapper is 27 although varying from a low of 18 to a high of 64 with returns of \$153.90 and \$721.12 respectively.

The beaver grading sheet together with the net amount payable to each Indian trapper is sent to the field officer at Amos and the record is available to the trappers on request. The trappers are paid by cheque for the amounts recorded on the beaver grading sheet.

Attached are prices obtained for various categories of beaver pelts at the Canadian fur auction sale April 5, 1960.

It is reported that last year of 1,076 pelts there were 142 which were of very low grades.

Mr. Chairman, I have here a summary concerning 69 pelts, which were sold at the Canadian fur auction sale on April 5, 1960. It shows the gross and the net amounts for the various sizes. Attached to this is another sheet showing how the 69 pelts were graded, according to the descriptions used in the fur trade.

Abitibi Beaver Preserve

Canadian Fur Auction Sale—April 5, 1960

69 pelts				
Size	Grade	Gross	Net	
XX large	1	\$32.00	\$28.80	
large	2	29.00	26.10	
X large	1	24.00	21.60	
large	2	21.00	18.90	
large	11	16.00	14.40	
large	111	8.00	7.20	
large	1	17.00	15.30	
large	2	15.00	13.50	
large	111	13.00	11.70	
large medium	1	13.00	11.70	
large medium	2	11.00	9.90	
large medium	11	8.00	7.20	
medium	1	11.00	9.90	
medium	2	9.00	8.10	
medium	11	6.00	5.40	
medium	111	3.00	2.70	
small	1	8.00	7.20	
small	2	6.00	5.40	
small	11	4.00	3.60	
small	L11	3.50	3.15	

NOTE: Gross is the amount received by the department after deductions royalty and sales commission.

Net is the amount returned to the trapper after deduction of 10 percent to cover costs of administration.

Grades on 69 pelts

[illegible]

69

Mr. HARDIE: What was a blanket worth on that sale?

Mr. JONES: XX large, which would be a blanket, \$32.

Mr. HARDIE: And the lowest price paid?

Mr. JONES: The smallest, L II, \$3.50.

In reply to a question asked by Mr. Hardie in connection with relief assistance to this band, I would say this. In the year April 1, 1958 to March 31, 1959, relief assistance was \$2,256.91; and from April 1, 1959 to March 31, 1960, the relief assistance given to this band was \$3,399.63.

In response to a request by Mr. McQuillan, I would like to table band council resolution, which authorized the department to buy the land mentioned this morning.

This resolution is as a result of two meetings held on June 9 and 10, 1954, at the towns of Amos and La Sarre. It is signed by Tom Rankin, as chief, and it records that of 88 eligible at these two meetings, 60 were in favour and 28 absent. The signatures, either in Cree-syllabic or in English are appended to this resolution.

JOINT COMMITTEE

BAND COUNCIL RESOLUTION

The Council of the Abitibi Dominion Band of Indians,
 (Name of Band)
 in the Abitibi Indian Agency, in the Province
 (Name of Agency)
 of Quebec at general meeting, held at Amos and LaSarre
 (Name of Province in Full) (Name of Place)
 this 9th and 10th day of June A.D. 1954
 (in Full) (Month)

DO HEREBY RESOLVE:

To authorize the Department of Citizenship & Immigration, Indian Affairs Branch, to acquire a parcel of land for the purpose of establishing a village site for the Band.

All Indians present agreed that the Band must acquire a parcel of land to overcome past and present difficulties, that is living, camping on privately owned property or municipal land or Crown land in the vicinity of the town of Amos and LaSarre.

The site agreed upon is near the town of Amos, approximately $1\frac{1}{2}$ mile, located on the Harricana River and on highway from Amos to Bearn, serviced by power line and telephone. In the way of public transportation, regular bus service is also enjoyed during summer months to cover all needs, and in winter limited to daily run.

A Mr. Lucien Leclerc offered to the Superintendent of the Indian Agency to sell to us two lots described as follows:-

Township of Dalquier, concession No. 2
 lot No. 26 - approximately 100 acres
 lot No. 27 - approximately 30 acres

with buildings thereon, that is an old barn of approximately 55' x 30', and a home considered a valuable building.

All for the price of \$9,500.00.

As per letter attached duly signed by Mr. Lucien Leclerc.

We request that the Department acquire this land, for it is suitably located, service all our needs; outside of being good farm land, there is approximately 40 acres of standing timber which will provide the Band with fuel wood. More, we consider that it is a good investment for our Band funds.

When acquired, this land should be surveyed into suitable village lots, and allotment made to families. The survey should provide roads, etc.

Tom Rankin
 (Chief) Tom Rankin

For other signatures, refer to complete list of voters attached.

(Councillor) (Councillor) (Councillor)

88 eligible - 60 in favor, 28 absent.
 (Councillor) (Councillor) (Councillor)

(Councillor) (Councillor) (Councillor)

(Councillor) (Councillor) (Councillor)

FOR HEADQUARTERS USE ONLY				
1. TRUST ACCT	2. CURRENT BALANCES		3. EXPENDITURE	4. AUTHORITY INDIAN ACT SEC.
	A) CAPITAL	B) REVENUE		
\$	\$	\$	5. SOURCE OF FUNDS <input type="checkbox"/> CAPITAL <input type="checkbox"/> REVENUE	
6. RECOMMENDED			7. APPROVED	
Date Superintendent, Reserve and Trusts			Date Director, Indian Affairs	

Form No. 1A 11a

COMPLETE LIST OF VOTERS

Dominion Abitibi Band, Province of Quebec
 Re : Acquisition of Land - in the vicinity of Amos, Que.
 June 9th. / 10th. 19 54 File No.

NAME		PRESENT	ABSENT	FOR	AGAINST
Mowatt Lydia	Band No. 2	✓		✓	
Mowatt Susanne	" 4		✓		
Sakia James	" 8		✓		
Windable William	" 16		✓		
Cananasso Louise	" 18	✓		✓	
Shawa Thomas Ruperthouse	" 29	✓		✓	
" " Cecile	" 29	✓		✓	
Chackatie Rolland	" 36	✓		✓	
" " Philomene	" 35	✓		✓	
Ruperthouse Johnny	" 59	✓		✓	
" " Jane	" 59	✓		✓	
Kistabish Noah	" 65	✓		✓	
" " Annie	" 65	✓		✓	
Ochinang Salomon	" 73	✓		✓	
Samuel Mowatt	" 74	✓		✓	
" " Clara	" 74	✓		✓	
Andrew Mowatt	" 76	✓		✓	
" " Jane	" 76	✓		✓	
Philip Ogish	" 77	✓		✓	
" " Maggie	" 77	✓		✓	
Kistabish Moise	" 83	✓		✓	
" " Annie	" 83	✓		✓	
Kistabish Henry	" 87	✓		✓	
" " Mary	" 87	✓		✓	
Continued to sheet No. 2					
Use additional sheets when necessary		Summary			

Certified Correct  Indian Agent

Amos, Que. June 9th. 10th. 19 54

IMPORTANT NOTICE

This form must be carefully filled in and certified by Agent and attached to surrender document. Failure to do so will render surrender null and void. Procedure to be followed in taking surrenders is explained fully in circular of instructions attached. These instructions MUST in every detail be followed carefully.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
 INDIAN AFFAIRS BRANCH

Form No. I.A. 316

COMPLETE LIST OF VOTERS

Sheet No. 2

Dominion Abitibi Band, Province of Quebec,
 Re : Acquisition of land - in the vicinity of Amos, Que.
 19 File No.

NAME	PRESENT	ABSENT	FOR	AGAINST
continuation from sheet No. 1				
Ruperthouse Thomas Band No. 90		✓		
Do Helen " 90	✓		✓	
Rapkin To Chief " 94	✓			✓
Do Emma " 94		✓		
Wylde Charles " 95	✓		✓	
Do Rose-Anna " 95	✓		✓	
Wylde Willie " 96	✓		✓	
Do Lizzie " 96	✓		✓	
Cananasso Frank " 97		✓		
Do Cecile " 97	✓		✓	
Mowatt Albert " 98		✓		
Do Anna " 98	✓		✓	
McDougall James Snr. " 102	✓		✓	
Do Betsey " 102	✓			
Kistabish Ignace " 103	✓		✓	
Do Ashnik " 103	✓		✓	
Mapachee Jean Baptiste " 104	✓		✓	
Do Annie " 104	✓		✓	
McDougall James Jnr. " 105	✓		✓	
Do Elizabeth " 105	✓		✓	
McDougall Joseph " 106	✓		✓	
Mapachee George " 107	✓		✓	
Do Mary-Ann " 107	✓		✓	
continued to sheet No. 3.				

Use additional sheets when necessary

Summary

Certified Correct

Indian Agent

19

IMPORTANT NOTICE

This document is a copy of the original and is not to be used as evidence. It is to be used only for the purpose of taking evidence. Failure to do so will result in the document being rejected. The instructions MUST in every detail be followed carefully.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
 INDIAN AFFAIRS BRANCH

Ottawa

19

Form No. A-10

COMPLETE LIST OF VOTERS

Sheet No.

Dominion Abitibi Band, Province of Quebec

Re: Acquisition of land - in the vicinity of Amos, Que.

~~Succession of land~~

19

File No.

NAME	PRESENT	ABSENT	FOR	AGAINST
Continuation from Sheet No. 2				
Ruperthouse Joseph Mathew Band No. 108	✓		✓	
Do Madeleine Do	✓		✓	
Ruperthouse John Jacob Do 109	✓		✓	
Do Marie-Anne " 109	✓		✓	
Ruperthouse Louisia " 110		✓		
Diamond Willie " 111		✓		
Do Mary " 111		✓		
Kistabish David " 112		✓		
Do Yvonne Louise " 112	✓		✓	
Kistabish Andrew " 113	✓		✓	
Do Catherine " 113	✓		✓	
Ruperthouse Joseph " 114		✓		
Do Lassic " 114		✓		
McDougall Noah " 115	✓		✓	
Do Emily " 115	✓		✓	
Crookednose Roberts Daniel " 119		✓		
Do Mannie " 119		✓		
Ruperthouse Diamond Julie Wid. " 121		✓		
Kistabish Abraham " 124	✓		✓	
Do Mary " 124	✓		✓	
McDougall Charlie " 125	✓		✓	
Ruperthouse Joseph Alfred " 126	✓		✓	
Do Helen Josephine " 126	✓		✓	
continued to Sheet No. 4				
Use additional sheets when necessary				Summary

Certified Correct

Indian Agent

[Signature]
June 10/1919

IMPORTANT NOTICE

This form must be completed, filled in, and certified by Agent and attached to surrender document. Failure to do so will render surrender invalid. Procedure to be followed in all cases is explained fully in circular of instructions enclosed. These instructions must be followed carefully.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

Ottawa 1919

Form No. 1 & 216

COMPLETE LIST OF VOTERS

Dominion Abitibi

Band, Province of Quebec

Re : Acquisition of Land in the vicinity of Amos, Que.

~~Proceedings Booked~~

19

File No.

NAME	PRESENT	ABSENT	FOR	AGAINST
continuation from Sheet No. 3				
Rupert House - Shewa George Band No. 127		✓		
Do Josephine " 127	✓		✓	
Crookednose-Roberts Johnny " 128		✓		
Crookednose Roberts Antoine " 131		✓		
Do Halene " 131		✓		
Rupert House Pierre Joseph " 132	✓		✓	
Mowatt George " 134	✓		✓	
Do Emma " 134	✓		✓	
Mapachee Robert " 135		✓		
Do Juliette " 135	✓		✓	
Mapachee Henry " 140		✓		
Do Philomene " 140		✓		
Mowatt Francois " 142		✓		
Bry Jumbo " 143		✓		
Ochinany Jean Baptiste " 144		✓		
Mowatt Michel " 145	✓		✓	
" " Eva " 145		✓		
Kistabish Benny " 146		✓		
Summary				

Use additional sheets when necessary

Summary

Certified Correct

Indian Agent

IMPORTANT NOTICE

This form must be carefully filled in and certified by Agent and attached to surrender document. Failure to do so will render surrender null and void. Procedure to be followed in taking surrenders is explained fully in circular of instructions attached. These instructions MUST in every detail be followed carefully.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

Ottawa

19

Form No. I.A. 316

COMPLETE LIST OF VOTERS

Dominion Abitibi Band, Province of Quebec
 Re: Acquisition of Land in the vicinity of Amos, Que
 June 9, 1954

Summary submitted

19

File No. 74/3-6-4

NAME		PRESENT	ABSENT	FOR	AGAINST
Tom Rankin	94	✓		✓	
Tom Kintabich	94	✓		✓	
THATATAWA	99	✓		✓	
H. K. Kintabich	87	✓		✓	
MARY KISTABICH	87	✓		✓	
Mary Kintabich	83	✓		✓	
Gerrine Sisk Wash	83	✓		✓	
Charles Celyde	95	✓		✓	
MARY KISTABICH	95	✓		✓	
William K. K. K.	96	✓		✓	
Louis Wash	96	✓		✓	
Sam KISTABICH	98	✓		✓	
W. K. K. K. K.	98	✓		✓	
W. K. K. K. K.	65	✓		✓	
John M. K. K.	107	✓		✓	
P. K. K. K. K.	107	✓		✓	
Jim M. D. K. K.	106	✓		✓	
W. K. K. K. K.	106	✓		✓	
S. A. S. I. N. C. I. S. A.	99	✓		✓	
W. K. K. K. K.	115	✓		✓	
W. K. K. K. K.	115	✓		✓	
Andrew Kintabich	113	✓		✓	
W. K. K. K. K.	113	✓		✓	
W. K. K. K. K.	134	✓		✓	
W. K. K. K. K.	134	✓		✓	
Summary	34	✓		✓	

Use additional sheets when necessary

Forward

Certified Correct

Indian Agent

19 54

IMPORTANT NOTICE

This form must be carefully filled in and certified by Agent *James M. K. K.* *107*

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
 INDIAN AFFAIRS BRANCH

Form No. I.A. 316

COMPLETE LIST OF VOTERS

Dominion Abitibi, Quebec
 Acquisition of Land in the vicinity of Amos, Que.
 June 9, 1954

19

Sheet No 2

File No. 74/3-6-4

NAME	PRESENT	ABSENT	FOR	AGAINST
<i>For Ward</i>	25		25	
HENRI KAP-ANOTAPAS	✓		✓	
M. A. K. K. P.	✓		✓	
Joseph Alfred Ruppelmeier	✓		✓	
meat meat	✓		✓	
M. P. K. S. G. S. P. S. K. S. P. S. K. S. P. S.	✓		✓	
meat meat	✓		✓	
S. A. B. K. A. C. A. D. A. C.	✓		✓	
M. A. K. A. M. S. F.	✓		✓	
A. C. O. M. A. K. S. P. O. K. A. S.	✓		✓	
K. A. S. M. A. P. I. T. O. P. A. S.	✓		✓	
Mary	✓		✓	
S. A. A. K. O. S. A. P. I. A. A. O. P. A. S.	✓		✓	
Salomon Ochening	✓		✓	
T. C. O. A. S. T. A. T. Y.	✓		✓	
Z. C. I. A. S. E. C. S.	—		—	
For Amos. Tom Rankin	✓		✓	
M. A. T. E. S. A. + P. A. T. A. S. I. S.	✓		✓	
T. C. I. A. P. A. T. A. S. I. S.	✓		✓	
T. S. O. M. A. T. I. O. N. P. A. T. A. S. I. S.	✓		✓	
M. A. M. A. T. A. L. A.	✓		✓	
M. A. S. A. S. I. A.	✓		✓	
M. I. C. A. + P. A. T. A. S. I. S.	✓		✓	
L. A. A. A. A. O. P. T. A. A. S. I. S.	✓		✓	
Louis Commao	✓		✓	
Josephine Ruppelmeier	✓		✓	
Summary	49		49	

Use additional sheets when necessary.

Summary

Certified Correct

Indian Agent

IMPORTANT NOTICE

This form must be carefully filled in and certified by agent and attached to the tender account. Failure to do so will render tender null and void. Reference to the full text of the present form and the full text of the circular of instructions is required. These instructions are available to all agents.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
 INDIAN AFFAIRS BRANCH

Ottawa

19

Form No. 1 A, 31a

COMPLETE LIST OF VOTERS

Dominion Abitibi Band, Province of Quebec
 Acquisition of Land in the vicinity of Amos, Que.
 June 9, 1954
 19
 File No. 74/3-6-4

NAME		PRESENT	ABSENT	FOR	AGAINST
Forward		29		29	
M. A. KISTAROK	103	✓		✓	
A. C. A. I. K	103	✓		✓	
George Mapitche	107	✓		✓	
M. A. A. M. P. I. K. E.	107	✓		✓	
J. B. Mapitche	104	✓		✓	
A. I. M. A. P. I. T. C. O.	104	✓		✓	
anna omawatt	98	✓		✓	
H. O. I. A. T. M. A. P. I. K. E.	135	✓		✓	
A. S. M. A. T.	2	✓		✓	
Philip O. Gush	77	✓		✓	
W. G. O. Gush	77	✓		✓	
Thomson, Suzanne	4		✓		
Radio, Jimmy	8		✓		
Windsor, William	16		✓		
Riquelme, Thomas	10		✓		
Rodriguez, Emma	74		✓		
Canavara, Frank	71		✓		
Murphy, Robert	77		✓		
Riquelme, Emma	1				
Chambers, John					
Steele, John					
M. L. A. M. I. K. E.	112				
M. L. A. M. I. K. E.	112				
M. L. A. M. I. K. E.	112				
Summary		60	13	60	

Use additional sheets when necessary

Certified Correct

Indian Agent

1954

IMPORTANT NOTICE

This form must be carefully filled in and certified by Agent and attached to surrender document. Failure to do so will render surrender invalid. The following instructions must be followed in every detail by the Agent and the surrenderer. These instructions must be followed carefully.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
 INDIAN AFFAIRS BRANCH

JOINT COMMITTEE

Form No. I.A. 316

COMPLETE LIST OF VOTERS

Dominion Abitibi Band, Province of Quebec
 Acquisition of Land in the vicinity of Amos, Quebec
 June 2, 1954
 Surrender submitted 19
 File No. 74/3-6-4

[illegible]

Certified Subject _____ Indian Agent

IMPORTANT NOTICE

This form must be carefully filled in and certified by Agent and attached to surrender document. Failure to do so will render surrender null and void. Procedure for following in taking surrenders is explained fully in circular of instructions attached. These instructions must be followed carefully.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

Ottawa 19

Amos, Qué., le 25 mai 1954.

Monsieur H. Larivière,
Surintendant de l'Agence indienne d'Abitibi,
Amos, P.Q.

Monsieur,

Si vous êtes intéressé, j'offre en vente des lots dans le canton de Dalquier, rang n° 2, lot 26 environ 100 acres et lot 27 environ 30 acres. Sur ces deux lots, la terre en culture est d'environ 95 acres; la balance en bois. Ceci comprend tous les bâtiments, c'est-à-dire une grange d'environ 55' x 30' et une résidence. Le tout pour la somme de \$9,500.00.

Je vous prie de me croire,

Votre tout dévoué,

Lucien Leclerc
Case postale 368
Amos, Qué.

Mr. McQUILLAN: Mr. Chairman, would it be possible to have this published in the minutes of the proceedings?

The JOINT CHAIRMAN (*Mr. Dorion*): It is a band council resolution.

Mr. McQUILLAN: I am referring particularly to the tables, which show the sales of fur. I would ask that these be included in the report.

The JOINT CHAIRMAN (*Mr. Dorion*): As an appendix?

Mr. McQUILLAN: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Is it agreed that these documents be made an appendix to the report?

Mr. CHARLTON: Mr. Chairman, I wonder if it would not be better to put them in right behind Colonel Jones' answer, rather than made an appendix? In that way it would go into the record as said.

The JOINT CHAIRMAN (*Mr. Dorion*): Is it agreed that this procedure be followed?

Agreed.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any other answers to be given to questions asked this morning?

Mr. JONES: I believe that is all the information I was to prepare for this afternoon.

Mr. THOMAS: Could Colonel Jones tell us, offhand, the number of Indians in this band. We have heard the two delegations. I take it that these Indians all belong to reserve No. 70, or did belong to reserve No. 70?

Mr. JONES: There is a population of 251 in the group represented this morning by Chief Rankin, and 59 in the Ontario Abitibi—but, they are all the same band.

Mr. THOMAS: That is what I meant.

Mr. JONES: Yes.

Mr. HARDIE: There are 310 altogether?

Mr. THOMAS: 310 altogether.

Mr. HARDIE: That amount of relief is for the whole works?

Mr. JONES: It concerned the relief for the band which you mentioned.

Mr. HARDIE: For the last band, the group of 59.

Mr. JONES: For the second group, the smaller number, the assistance during 1958-59 was \$365.63, and for the period ended March 31, 1960, \$154.43.

Mr. HARDIE: They did not get an awful lot of relief, did they?

Senator SMITH (*Kamloops*): Is there only one of these two groups interested in the new property that was acquired, and interested in this housing development?

Mr. JONES: Well, they are both entitled to houses on this new Amos reserve, No. 1. However, from the reading of the second brief this morning, it would appear that the smaller group have an interest in the old Reserve No. 70, which is in the province of Ontario. However, they would be entitled to move on to the Amos reserve. Their money bought it.

Mr. MARTEL: Mr. Chairman, if I may say a word, I think that question can be clarified now, if you would permit Mr. Houdet, who read the brief this morning, to speak. There is, not a misunderstanding, but there is a difference of opinion, as Mr. Jones has stated, between the group at Amos and the group at La Sarre. I think the group at La Sarre would like to clarify their position.

They wrote their brief about a month ago and they had it translated. They were supposed to come before this committee before the recess, and it was postponed until today.

The JOINT CHAIRMAN (*Mr. Dorion*): I think that is the best way of doing it, and I invite Mr. Houdet to give his commentary on his own brief.

Mr. HOUDET: Mr. Chairman and ladies and gentlemen of the committee, at the time this brief was written there were and still are some difficulties between the Indians and the agency. Myself, I wrote the brief according to what I was told to write. I am happy to announce that most of the 59 members would be ready to go into Amos with Chieftain Rankin, if they are interested to quit the bush and bad water, cut wood and nothing else.

As a matter of fact, you had many chances to see they have some kind of trouble, some kind of misunderstanding with the Indian Affairs, and I was there to clarify their situation. I am happy to tell you my friend Philip O'Guish is willing to tell you most of them would accept to go to Amos because there they have friends.

I am not here to analyze a small thing, but last year and the year before there were many unemployed in our county, and we took it upon ourselves to help wherever we could, to give some of the children food and milk, and whatever we could do. They are ready to move if they can get a house in Amos. It is not my job to speak for my friend Mr. Rankin and my friend Mr. O'Guish, and if you do not mind now, with the memorandum clarified, I leave the floor to Chieftain Rankin, who is a man far more able than I am to speak in the name of his Indians.

Mr. MARTEL: Do you mean the group who live at La Sarre would be willing to go to Amos if they could get proper housing accommodation?

Mr. HOUDET: Yes, we have some proof they were not very aware of what was going on. They thought they would be obliged to go and spend their time in tents. That is the reason why they refused, but now they know, and they knew a few days ago; and that is the reason why this part of our memorandum no longer is any good.

Mr. HARDIE: Mr. Rankin said this morning there was a great deal of unemployment among the Indians living close to Amos. If they move these people into Amos will not that be a reason for more unemployment?

Mr. HOUDET: Yes, but you cannot argue on this fact. It is easier for an Indian to get help when in Amos than when he is in La Sarre. If somebody is stuck in La Sarre you cannot ask, reasonably, the Indian Affairs gentlemen to ride 120 miles for one man. If everybody was in Amos it would be easier for the Indian Affairs agent to go after them and take care of them. They have this trouble, it is a distance.

Mr. HARDIE: Why could they not have an assistant agent in La Sarre?

Mr. HOUDET: This I could not suggest, when it is not my duty.

Mr. MARTEL: Would you mind showing the members of the committee the pictures that have been taken at La Sarre of the camp, the tents, and everything?

Mr. HOUDET: Yes.

Mr. MARTEL: I think it would be interesting for the committee to take a look at the pictures.

This group has not been kept apart, but their grandfathers have been camping there for a long time, and when the main group accepted to buy a new reserve this other group stayed behind; and now they have difficulty, as I understand it, in getting help from the department, and what-not. They are about 70 miles away.

The JOINT CHAIRMAN (*Mr. Dorion*): The minister is obliged to leave us because there is another delegation in her office, and she excuses herself.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration*): Mr. Chairman, I am sorry to interrupt the proceedings in this way, and I would like to stay, but I was unsuccessful in postponing an appointment previously made by another delegation on another matter, so I am afraid I must go along to that appointment; but I will get my information from the proceedings. Thank you very much.

Mr. THOMAS: Mr. Chairman, there is a reference made in the last brief submitted about the possibility of clearing land for farming purposes on this reserve No. 70.

The JOINT CHAIRMAN (*Mr. Dorion*): On page 2?

Mr. THOMAS: It is somewhere.

Mr. HOUDET: May I answer?

The JOINT CHAIRMAN (*Mr. Dorion*): Certainly.

Mr. HOUDET: This thing should be forgotten because they no longer wish to go because they understood if they were to move into Amos they would not get housing. They thought it would be better to be on the reserve with a house than to be in Amos tenting, so the whole paragraph should be deleted.

You saw yourself there was some misunderstanding, and they do not want any more to go there, or most of them, because they know the government will supply a house in Amos. They prefer to be near a school, work, a doctor, and so on.

Mr. MCQUILLAN: I wonder if the witness could tell us if there is apt to be an increased opportunity for employment in the area of Amos? Do you foresee any increase in the possibility of employment for the Indians?

Mr. HOUDET: No, sir, but they are working maybe two-and-a-half months in the winter, in a lumber camp, and they can still work in the winter when in Amos, and there it would not make any difference (they need not do any different). The difference will be they will be near the agent and they will be more able to get better medical care for themselves and their family.

As far as unemployment is concerned, we are in the north of the province of Quebec, and there is trouble for everybody at certain times. We depend on the logging operation and it is mostly seasonal work. When they have a job they have their men. Unfortunately, the Indians go always after other people.

Mr. HARDIE: Has there been a resolution to this effect asked by this band counsel, to move to Amos?

Mr. HOUDET: No. No council like Colonel Jones mentioned was appointed. They belong to the band. They should be unanimously under Chief Rankin but there was some difficulty with the department and some misunderstanding. I believe it is all over now. They are not entitled to council. They were dissenting on the vote with respect to the project. Now most of them are not.

Mr. HARDIE: What was the reason for dissenting in the first place?

Mr. HOUDET: I do not know if I should say this but they are known as hard to get along with. The fear they would left many friends they had in the town. Some of them were raised there. They are not like Chief Rankin—well spoken. Most of them do not know how to read and most of them do not speak English. The result is they have kind of an inferiority complex.

Mr. MARTEL: As I understand it, did they not approve the resolution which was tabled to buy the new reserve? That is the 29 who were away at the time. The resolution shows that 61 signed and 28 were away. Does that mean they were not contacted and were away in the bush?

Mr. JONES: One meeting was held on the 9th at Amos and on the 10th at La Sarre or vice versa.

Mr. MARTEL: Many of the men were living in La Sarre and moved later on.

Mr. JONES: We have the names of everyone.

Mr. MARTEL: Some of them were in the bush. Did some of them accept the resolution and then after that refuse to move to Amos?

Mr. JONES: I would think the fact that the second meeting was held at La Sarre would indicate that it was for the benefit of that group.

Mr. MARTEL: Maybe Mr. Rankin can tell us. Did you not live near the La Sarre area?

Chief RANKIN: At the time of the meeting?

Mr. MARTEL: Before they bought the new reserve.

Chief RANKIN: I was at Amos.

Mr. MARTEL: You and the group who lived at La Sarre moved to Amos.

Chief RANKIN: We never had a meeting at La Sarre. It was at Amos.

Mr. JONES: There are the following signatures: Philip Oguish, Maggie Oquish, Mowatt Suzanne, James Sakia, William Windabie, Johnny Ruperthouse. Are they the La Sarre group? It would not be difficult to check which group it is.

Mr. MARTEL: I understand that the misunderstanding about locating the reserve is now resolved. They are satisfied and will be willing now to move to Amos.

Mr. JONES: The whole band was interviewed and expressed its wishes in a formal resolution. Sixty persons signed. Therefore, we took it that it was representative of the wishes of the band.

Senator FERGUSON: What does the resolution say?

Mr. JONES: I tabled it.

Senator FERGUSON: You did not read it.

Mr. JONES: I will be glad to read it.

Mr. HARDIE: I am wondering what is the reason for this sudden change. When the memorandum was written they asked for the opening up of a reserve 30,000 square miles in area and this afternoon they come back and say because these houses are going to be provided in Amos that they are now all willing to move off this 30,000 square miles of reservation and move into these houses.

Mr. MARTEL: They do not like it. There is no communication there. They have to go 40 miles across the lake.

Mr. JONES: They are squatting at La Sarre.

Mr. McQUILLAN: I am afraid the reporter will have a great deal of difficulty in reporting the evidence.

The JOINT CHAIRMAN (*Mr. Dorion*): The resolution is in the record.

Mr. JONES: This is the standard form of resolution used in Indian affairs.

The JOINT CHAIRMAN (*Mr. Dorion*): You do not have to read the resolution. It is in the record.

Mr. JONES: That is what I thought.

Senator FERGUSON: We have not been told what is in the resolution. I do not want all the formal parts of it, but I thought we should know what they passed.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you give us a summary of the resolution.

Mr. JONES: The purpose is to authorize the Department of Citizenship and Immigration, Indian affairs branch to acquire a parcel of land for the purpose of establishing a village site for the band.

All Indians present agreed that the band must acquire a parcel of land to overcome past and present difficulties, that is living, camping on privately owned property or municipal land or crown land in the vicinity of the town of Amos and La Sarre.

The site agreed upon is near the town of Amos, approximately 1½ miles located on the Harricana river and on highway from Amos to Bearn, serviced by power line and telephone. In the way of public transportation, regular bus service is also enjoyed during summer months to cover all needs, and in winter limited to daily run.

A Mr. Lucien Leclerc offered to the superintendent of the Indian agency to sell to us two lots. I think I have already described those. All for the price of \$9,500.00.

As per letter attached duly signed by Mr. Lucien Leclerc.

We request that the department acquire this land, for it is suitably located, serves all our needs; outside of being good farm land, there is approximately 40 acres of standing timber which will provide the band with fuel wood. More, we consider that it is a good investment for our band funds.

When acquired, this land should be surveyed into suitable village lots, and allotment made to families. The survey should provide roads, and so on. It is signed by Tom Rankin, Chief. There is then attached a list of the signatories.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Houdet, have you something to add?

Mr. HOUDET: Yes. I would like to read a letter. It is addressed to the superintendent of the Abitibi Indian agency at Amos.

Dear sir:

Would like to ask you if you could give us a net and ten rolls of wool and two blankets.

We never get any medicine from the nurse who came here a couple weeks ago. We want some.

Thats all for now.

Thank you very much.

From,
Mrs. Phillip Oguish.

The answer is:

We cannot give you any of the articles that you ask.

If you are in need of medicine they can be given to you when you come to Amos and you visit the nurse. Otherwise you must wait until the nurse is in your area again.

Also you have 50 miles added to the 70 they have now. How can they get medicine or relief?

The JOINT CHAIRMAN (*Mr. Dorion*): Because of the distance between La Sarre and Amos?

Mr. HOUDET: Yes. Maybe they did not understand quite well, but now they know, and even if you gentlemen think it is quite difficult to understand, you must understand that these gentlemen are not able to read, most of them, and have difficulties to understand sometimes. They do not make any difference between crown land purchased land, and so on. It is a difficult matter.

I will give you only one more. This was written in 1958, at a time when you could not get employment.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you give me the letter you have read.

Mr. HOUDET: Yes. This is written in French. There is a difference between Indians from Mistassini and certain Indians. The difference is that maybe they are ready to work. As these men were quite sure, he does not want to make it possible to leave his work. He tries continually to live only on anything which is an impossible thing. So it is up to him to change. So, gentlemen—

The JOINT CHAIRMAN (*Mr. Dorion*): This is a letter coming from the department?

Mr. HOUDET: Yes. Gentlemen, it was in 1958 that I went to some people to employ some of those Indians and asked them, "Do you like to employ them?" They say, "Yes, sir. When we have work, we are always happy." One told me—I could quote his name; he is Andre Rivard in St. Laurent Gallichan—"You can quote me. They are good men. They work hard; but unfortunately I am only a small contractor and I cannot give more than I have."

Then there was Henri Perron et Fils of La Sarre. This winter they gave employment to a few of them, and even shelter and food to an old man named Matthew Frank, free. He was there and had a house and meals. They are very good. On the first month they are not so good, because they eat and ask for grub because they are not in shape. The same thing at Howard Bienvenu, in La Sarre. They gave work to a few Indians this winter. I saw the manager two or three days ago, and he told me that they are very good; they are reliable men. He said, "We know they are good. When we have work for them, I will give them work. But more, we cannot".

So it would be easier for them to give a chance to the Indians to be there in Amos. They could be taken care of, and they would only have one man looking for jobs.

Now, gentlemen, you will excuse me; but it is not my job, and my friend, Mr. Rankin, should be here. If you do not mind, I will quit.

The JOINT CHAIRMAN (*Mr. Dorion*): Chief Rankin, have you anything to add to what Mr. Houdet has said?

Chief RANKIN: Yes. On this fur conservation I am still not satisfied, if you do not mind me telling you a few words more.

A couple of weeks ago there was a family hunting. They got three beavers. They came out to get some food, so they went to see the agent. He said, "What have you got there?" He said, "We want food". Then he said, "Go and see Mr. Cousineau; he will give you some food." Okay. He changed the office and he brought his fur. He got \$3 apiece; that is \$9—and the taxi cost him \$6 from home and \$6 to go back; that is \$12.

So all those Indians get stuck like that. They go and see Mr. Lariviere and say, "I am stuck". "Do you have any beaver yet?" Then they go and see Mr. Cousineau. "No, we cannot do it; you have got your money there". The guy says, "You owe me more than that". "I cannot give you nothing". They have to turn around and go out.

Just the day before I left, Mr. George Mowatt—he is on the list; he has a big family. They got stuck the other day and had from the agent \$55 worth of food. That is, relief. They went into the bush. They are there three weeks, and he got back and said, "Here is my fur. You can give me so much". He says, "I am paying \$3 apiece". "But", he said, "don't forget that here is the receipt; you have to pay this \$55." For 15 beavers, \$3 apiece. He just went in the bush and came back, without feeding the family. I hate that. If that keeps going for many years, they are not going to increase in that band; that is for sure.

Mr. HARDIE: When these people move, the people that we are speaking of—the ones who presented this last brief—to Amos, they are going to be that much further away from their trapping areas than they are now, are they not?

Chief RANKIN: Yes. That does not mean nothing.

Mr. HARDIE: So if they want to go in to get food, grub, and sell their furs, they will have to pay, instead of, say \$6 for a taxi, perhaps \$25?

Chief RANKIN: Yes; but it costs only a few cents on the bus.

Mr. MARTEL: With regard to the fur conservation, as I understand Colonel Jones' statement, these furs are being sold by the Quebec government agency?

Mr. JONES: Through fur auctions. I think Chief Rankin is possibly referring to an advance on those furs that were given to that trapper. That is done all the time.

Chief RANKIN: Yes.

Mr. MARTEL: Do you know this: when they take these furs at the auction, do they ever consider storing them until they can get a better price? That would not come under the Indian affairs branch, I suppose?

Mr. JONES: That is entirely administered by the province of Quebec. But as far as we know, they try to have the sales where they can get the best price.

Chief RANKIN: One thing is—this fur conservation, whenever they send a fur, they have to sell it by such a date. They cannot hold it, even if the auction sale—you have got to sell at the first sale.

Mr. HARDIE: They cannot hold it to another sale?

Chief RANKIN: No, they cannot. Any other fur buyers, when you have a lot, they can hold it till the next sale, until they get a good price—that is what I understand.

Mr. JONES: Would you agree with me, Chief Rankin, that the money that you said was paid might have been an advance?

Chief RANKIN: It could be.

Mr. JONES: Would that be a fair statement?

Chief RANKIN: Yes.

Mr. JONES: So it would not be the sale price of the beaver delivered to our fur supervisor at Amos?

Chief RANKIN: Yes.

Mr. JONES: I am happy to hear that, because these things can be misunderstood. I think the committee realizes, sir, that the handling of beaver fur in the province of Quebec is done entirely by the provincial authorities,

the same as in other provinces. They have the control of the game resources. They are shipped to the Quebec government; they are graded and turned over to Canadian fur auctions, or Hudson's bay, or one of the group. The group conducts auctions, and the proceeds are remitted, via Ottawa, back to the trapper and any advance made would be deducted from their final payment. But I am not aware that the furs have to go on the first occasion; I am not aware of that. I think the Quebec government has some leeway when putting these furs up for fur auction.

Mr. SMALL: Who made the statement that he was on his own to dispose of his own pelts? He said he went in some place with his pelts and got so much apiece for them, and had to pay so much for a taxi, and so on. How is it that individuals are doing this, instead of some organization in the band?

Mr. JONES: I found it difficult to follow, because we do have a fur supervisor who makes the rounds, and at certain times they deliver their furs to him, and he ships them out.

Mr. HARDIE: When he ships them out, is that the end of it? You do not hold those furs and say: "At this sale they will be selling a lot of unprimed skins, and the prices will not be so good; but at the next sale we can make a better deal."

Mr. JONES: We ship them to the province of Quebec.

Mr. HENDERSON: Who is the agent at this point, and what are his duties? What is he doing to solve the problems being discussed now?

Mr. JONES: The agent is a Mr. Lariviere, and the fur supervisor is a Mr. Cousineau, and their headquarters are at Amos. Both these gentlemen move around. It is a large agency.

Mr. SMALL: There is a statement here. Maybe I did not get the question; but it says that the individual came in with his pelts to sell, and he came in by taxi. Now, taxis are a pretty expensive form of travel. Why was that necessary?

Chief RANKIN: No; the trapper goes out by taxi, and it costs him \$6; and he returns his beavers to Mr. Cousineau.

Mr. SMALL: Why did he not use the bus?

Chief RANKIN: Because there was no bus in there.

Mr. SMALL: That has got to be straightened out.

Senator FERGUSON: How many miles was it?

Chief RANKIN: Twenty-two miles, and the cost of the taxi was \$6 from Amos to there.

Mr. HARDIE: How far would it be from this other gentleman's trap lines?

Chief RANKIN: About 40 miles, or 48 miles; something like that.

Mr. MARTEL: He has no trap line at Amos.

Chief RANKIN: Yes, but this gentleman here had his beavers legally, and he could sell them anywhere he wanted to.

Mr. HARDIE: You say these people can sell their beavers any place they want to?

Mr. O'GUISH: Yes, but not at a very high price.

Chief RANKIN: That was because he was trapping in Ontario, on the other side of the boundary.

Mr. MARTEL: In that case it would be farther than 48 miles from Amos, 48 miles from La Sarre.

Chief RANKIN: It was 48 miles from La Sarre.

Mr. HARDIE: I do not know, but I think this is going to lead to trouble when these people move from where they are presently at La Sarre to Amos, where they already have unemployment now. This will just aggravate unemployment. What do these people expect to do when they move to Amos?

Chief RANKIN: They will stay on the reserves and go back to trap.

Mr. HARDIE: You mean they will make a 70 mile trip back to the trap lines?

Chief RANKIN: Well, we made trips of 150 miles back to the trap lines during the war. You have to go 22 miles by taxi, and that is just one way.

Mr. MARTEL: And the rest of it he walks?

Chief RANKIN: The rest of it he would walk.

Mr. HARDIE: Do these people want to give up trapping and hunting?

Chief RANKIN: That is right; it is no use, and there is never enough work either, so that they can work steadily.

Mr. THOMAS: I wonder if I might ask Colonel Jones if he has any report on the agricultural possibilities of these 30,000 square miles? Is there any land in there, or is it just rock?

Mr. JONES: That is the one in Ontario that you are speaking of?

Mr. THOMAS: Yes, the original 30,000 square miles.

Mr. JONES: I do not know too much about it because none of the Indians have ever lived on it; but we understand it is of a fairly rocky nature, mostly with timber. I do not think we know the agricultural potential because no one apparently has taken an interest in it. I would not think there would be too much agricultural potential, from the location, because it is up in the vicinity of Matheson.

Mr. HARDIE: But it does have timber potential, for lumber?

Mr. JONES: Yes.

Mr. THOMAS: It would seem that the best timber at any rate was sold, and it was the source of this man's funds.

Mr. JONES: That is right.

Mr. McQUILLAN: I wonder if Colonel Jones at a later date could give us an outline of the terms of the agreement under which this timber was sold, how many acres were involved, how many cubic feet or board feet, or boards were sold, and the overall price?

Mr. JONES: We have all that information and we would be glad to table it.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. JONES: I would like to satisfy Chief Rankin if I possibly could on this matter. If he has individual cases that are a little hard to figure out about the sale of beaver, we would be glad to look into them. But we do have a fur supervisor stationed at Amos, and he has a government vehicle. He makes periodic trips to certain areas, and he places himself at the service of the Indians, just to pick up their furs. He is paid to do that and nothing else. And there is a government vehicle provided.

So I think the branch is trying to give this service to the Indians. However, there are possible breakdowns happening, and we would be glad to look into any individual cases where the Indians find it difficult to have someone to deliver their beaver to.

Mr. MARTEL: In order to clarify this situation, as I see it, and as stated by Chief Rankin, the Indians are not willing to continue to trap in the years ahead; but I do not think it is the fault of the government or of the Department of Indian Affairs. It is as a result of the drop in the fur market in recent years, which has affected their revenue; and right now they cannot make a living out of trapping.

I think that the best is being done in a sense. It does not solve their problem, of course; they do have difficulty in making a living; and the furs they sell every year are not giving them enough income.

Mr. JORGENSEN: I would like to ask Mr. Jones if his department has conducted a survey of the employment potential in that particular area, or if he knows, offhand, if there is any means of earning living?

Mr. JONES: There are some surveys under way at the present time. I think I mentioned before that we have a new division in the Indian affairs branch. It is called the economic development division. Their primary role is finding employment for Indians, as well as surveying the potential of the various reserves. If the La Sarre group decided they wanted to live on the reserve near Amos, I would not want to promise any miracle that there would be 100 per cent employment. However, if they really want to trap, I see no reason why they could not trap, using Amos as a headquarters. They are living in pretty squalid summer conditions at La Sarre. They squat there, and they go to the bush in the winter.

It has been interesting to hear the thoughts expressed here today. It certainly will help our branch to find some sort of a satisfactory solution for this smaller group. Up until today we were really puzzled as to where they wanted to live. The brief would indicate that until fairly recently they thought the future lay on the Ontario reserve. Of course, I would think—and I am only guessing—that the Abitibi district—and I am referring particularly to the Amos district—would grow with the rest of Quebec, and have highways and industry. Therefore, the ones who still wanted to trap could, and a certain percentage of the others would find employment, in my opinion, within a year.

Mr. MARTEL: Do you think the fur market will improve, and that trapping will be more beneficial, in the years to come? I know it is difficult to give a considered opinion to that, but do you have any information to that effect?

Mr. JONES: As I said this morning, we have our top fur supervisor in Europe. If we could help the Department of Agriculture in promoting Canadian beaver furs in Paris, Cologne, Milan and Rome, where the women have these fur salons, it would prove very beneficial. If our promotional efforts mean anything, there will be a greater demand for beaver. The best beaver comes from the Quebec fur preserves. They get a top price, because they know how to pelt beaver in the Abitibi, and James Bay agencies. If beaver suddenly became very popular, a lot of our troubles would be over; but in the cycle of high cost of living, the cost of commodities, and a low cycle of fur prices, the Indians of Canada have a very difficult time, Mr. Chairman, in making both ends meet. They have a very difficult time.

Mr. HENDERSON: I myself am not pleased at all with the situation. It seems to me like you are trying to bring in dreams ahead. Coming from Portage la Prairie, in Manitoba, I note there is a group of 800 Indians living alongside the highway under similar arrangements to this, but they are not treaty Indians. They came in from North and South Dakota. I can picture these people. There are no prospects for them. We cannot live on the dreams of beaver coming along. Beaver is down. In the Alaska highway country young men are driving trucks, and working on the highway. This is a different thing. However, this is squalid, and I would not like to think this is the outcome of consultation. What is the use of our sitting here day after day and trying to figure out something for these people? We have to do something better than that.

Mr. THOMAS: Is there not a possibility that this beaver production will take care of some of these Indians? For instance, we will say there are 300 Indians in this band: take four or five to a family, and that would mean about 60 families. Perhaps if there is not enough food in that 30,000-acre

reserve to take care of 60 families, there might be enough there to maintain a reasonable standard of living for say 20 or 30 families. Well, if 20 or 30 of these breadwinners could obtain work of another kind, and leave the beaver production to those who wish to stay with it, it might work out. I think maybe there is a prospect, as far as the beaver is concerned, even at present prices, by a few being allowed to trap over a larger area. In this way, they would be able to increase their volume of beaver skins. There is also the possibility that there may be agricultural land there that could be developed. I think all of these things should be taken into consideration.

It sounds to me like a good idea for them to move near a town, where it is convenient to give them medical and educational services. In this way it would be possible to stop this moving about from place to place in tents. They would be able to have permanent homes. It sounds to me like a good idea.

Chief RANKIN: I agree with you, sir. You are pretty good on that. These Indians have been rolling and rolling around, and moving their tents here and there until they get away back in the bush; then we cannot find anything to live on. We might get a few beaver, but what is the use. That is the way I think.

Mr. HENDERSON: Well, that is the way I think.

Chief RANKIN: I mentioned this reserve a while ago. If they could put up the houses, I am pretty sure the Indians would live there. I say this because we paid rent in the town and paid now for five years, it does not make much difference. If the government thinks it is too much to spend money to build the houses, well, here is another thing I am going to tell you: those colonization buildings—all kinds of them are empty. This house costs only \$10 or \$13 each. They said you spend \$2,000 to build a house, and you will have better value or just as good when you pay \$15 or \$20 for a house. To move it in it does not cost hardly nothing. I mean, if the government thinks it is too much to build a reserve, this is the easiest way to work.

I just told Boulanger last year, and he agreed with it. I have not heard since then. I know this: a chap at Barraute, Quebec, bought 40 of those houses for \$400, and this chap made \$5,000 out of those things. You can see how easy it is to do this, but we have not any money to start with.

Mr. MARTEL: Where did they move them?

Chief RANKIN: To the town of Barraute. They took them down, and they sold the window frames, doors and so on.

Mr. STEPHANSON: You could buy a number of those out of your band funds.

Chief RANKIN: But the band fund is all red tape.

Mr. CADIEU: Mr. Chairman, I have listened with a great deal of interest to this. I thought we were spending quite a lot of time but, perhaps, it is very necessary.

I have some thirty odd reservations, and 50 per cent of the Indian population in my constituency do not live on the reserve. The very interesting thing that I have found, since I was elected, is that we have started better farming methods and a better education program for the Indians that we have in the southern part of the constituency, where there is quite a lot of arable land for farming. There are school buses, in many cases. But it was much to my annoyance when I found out that the Indians we had living in settled areas were not getting along as well as the ones in the north, where they were away from the white men. Many were not on the reserve but had settled in the northern part of Saskatchewan.

I found out we were going quite a long way towards their education, and we had problems with getting good attendance at school. Many were going so far to trap that they were moving out, lock, stock and barrel, to the trap line and, in many cases, they were taking their families along. This was causing a great lot of disappointment towards education. But I do think an awful lot can be done with furthering agricultural improvements. I had Senator Gladstone up in one part of my constituency, where he spoke very interestingly to the Indians on improving their methods of agriculture.

I was disappointed today to find that no delegation had been accepted from north Saskatchewan, as we have a large group there. I listened with interest to the fact that something less than 400 members make up the two bands we have been discussing today.

I notice that the Stoney Rapid band we had, they wanted to move to Black Lake, and they have moved over to Black Lake and have a very nice new school there.

One thing I did notice with great interest this summer, and to my surprise, was that people were still living in tents in this day and age. If these people would get out logs and build log houses, the department would supply them with lumber for the floor and roofing material. I thought that was a very good move. I thought the department was thus encouraging something which was very constructive, where formerly, a few years back, if they were going to build so many houses on a reserve they would let a contractor go in and build them, and the Indians would sit in the shade and watch them. They are now teaching these young Indians skills, skills which will help them to build their own homes, skills whereby they could help with the construction of these homes; and we would then appreciate them an awful lot more.

I do hope we have representation from the various bands of Indians in the northern part of Saskatchewan, to give evidence before our committee is completed.

The JOINT CHAIRMAN (*Mr. Dorion*): I would like to advise that—

Mr. CADIEU: If I might continue on a moment, Mr. Chairman, I notice the federation of Saskatchewan Indians mentioned. Many of the Indians in my reserves do not belong to the federation of Saskatchewan Indians, and I found out this fall that many of them do not want to belong to it, because it is organized on the Assiniboine area more, and the men did not care to become a part of it because it is a different life living in the southern part of Saskatchewan than living in the northern Saskatchewan Indian bands. They are going to be disappointed if they are not allowed representation.

The JOINT CHAIRMAN (*Mr. Dorion*): Did these groups deliver a brief?

Mr. CADIEU: They would like to present a brief, and I wrote of the chairman about it.

The JOINT CHAIRMAN (*Mr. Dorion*): They will have this opportunity.

Now, ladies and gentlemen, I would like to know if you have some other questions to put to these gentlemen and their lawyer, their counsel.

Mr. MARTEL: I would like to ask one more question. I would like to know if the department can give me certain information. You have mentioned there is an employment survey being done. Has it ever been considered sufficient for the older people of these bands, and the other bands in the Abitibi district, to give them some kind of training that would help them—like Mr. Cadieu just mentioned—to learn a trade and to assist them? It would not be a full vocational training course like the kids would be getting when they reach the age of 16.

Mr. JONES: Our efforts are mainly for young people and young married adults. But we have started, years ago, and we will intensify our adult education program. I think an Indian 40 or 50 years of age, who has never been to school, is quite a problem. But we are running more and more adult education classes, which we feel are very useful. However, our main efforts are directed towards the young people and the married adults in the twenties and thirties.

Mr. MARTEL: The opportunity would be given to every band?

Mr. JONES: Yes.

Chief RANKIN: I heard that on the Obedjiwan reserve there was the assistant agent quit the job. After that they gave us all kinds of reports, but I did not believe him quite all right, but it looks to me it has happened that way. He said that those Indians were working to build the reserve, the houses, and there were a few white men working there. He told me that he looked after that group and he gave the payrolls and everything like that at the time and said, "Those poor Indians get 90 cents an hour as a carpenter, and the people from outside are getting \$1.70 cents an hour. They are doing the same job exactly. I was the one that made the payrolls."

In case we have a reserve I do not like to see things happen that way. If anybody gets \$1.00 he might as well give a \$1.00 to everyone. It is supposed to be, anyway.

Mr. SMALL: The white man doing the building, did he live on the reserve or come from some other place? He probably had to keep a home going, and was maintaining two homes.

Chief RANKIN: Yes, that could be.

Mr. MARTEL: That was the contractor who was doing the work for the department?

Chief RANKIN: Yes.

Mr. MARTEL: And hired Indians on the job?

Chief RANKIN: Yes.

Mr. HARDIE: Doing work for the Department of Indian Affairs?

Mr. JONES: There was a sort of construction foreman giving over-all directions. If the Indians are being paid 90 cents an hour, let us not lose sight of the fact they were being paid to build their own homes.

Mr. HARDIE: Oh, this was a housing project.

Mr. JONES: Until the Indians have enough skill to be a carpenter foreman, that is why we bring in a carpenter, to teach them the rudiments of carpentry, for a year or two; and then the Indians should have enough skill to carry on the house construction themselves. I rather suspect that is the answer there, Chief.

Chief RANKIN: It could be that way, because I was not sure. But this man told me that he had been fired on the job, or quit. We will leave that alone.

It says here that there were \$17,000 of beavers last year had been sold in the north. So with the \$17,000, in the group I have there I would think they should have fifteen cents in their pockets at least if they had been sold for that much.

Mr. MARTEL: That would be the total amount paid for the furs coming from the Abitibi section.

Chief RANKIN: Yes.

Mr. MARTEL: I think the net amount was \$10,000.

Chief RANKIN: I would like to know if that money is reserved somewhere, or if it has been given away.

Mr. MARTEL: You mean the difference in money.

Chief RANKIN: No; the \$17,000.

Mr. STEFANSON: It does not say that. It says here that Indian trappers shared the meat of over 17,000 beavers for home consumption.

Chief RANKIN: Then there is the sturgeon fishing. Most of the Indians were working there. Now we had a new way last year. It is only those few white men looking after that job, and all the Indians working were the ones fishing. That means that they take away from the living.

Mr. MARTEL: This is under the direction of Mr. Cousineau.

Chief RANKIN: Yes.

Mr. MARTEL: It is not like the furs being sold through a Quebec government agency.

Mr. JONES: We have made very successful representations to the province of Quebec requesting them to extend special privileges to Indians in the watersheds of the James bay area for sturgeon fishing. They have been very successful because we were able to market on behalf of the Indians I think between 20 and 30,000 pounds last year. All the proceeds of that new venture have gone to the Indians who caught the sturgeon. We expect a much larger and wider scope for sturgeon fishing this year. All the proceeds will go back to the Indians who caught the fish.

Chief RANKIN: I think we get mixed up in these things because we get no receipts or the price they sold them for. They get 25 cents a pound but it is only a paper to buy food with. So at the end of the season they expect their money. Where is the money? The agency says "We are going in the hole". But as far as I know, the time I flew the fish out we were paid 15 cents a pound and the fish was worth \$1.00 and \$1.10 a pound.

Mr. HARDIE: There is nothing in either brief about this fishing industry. This is something new.

Chief RANKIN: Yes. I am telling you. I am new here, so I am explaining what is going on there.

Mr. HARDIE: There is the fur and now there is commercial fishing.

Chief RANKIN: Yes. It is the same business. It is exactly the same business. We just get a small amount at a time. You get \$3.00 for each beaver pelt and you maybe wait two or three months before you see the rest. They think they are rich. A man thinks he is rich and goes and asks for the money and is told there is none. He says that he sold his beaver for so much. They go in the office and say "How about collecting for my fur or fish" or something like that and are told "You are in the hole". They go to see Mr. Lariviere and then go and see Mr. Cousineau. Something has to be done. They cannot go on that way. We cannot let these poor Indians starve.

Mr. HARDIE: I do not know whether I am coming or going here. Mr. Jones awhile ago read a report setting out that the Indian was issued with a receipt.

Chief RANKIN: We never seen a receipt. I never seen one piece since I am doing business with them.

Mr. HARDIE: This morning you mentioned an instance where you sold seven and got no receipt at all.

Chief RANKIN: No receipt or nothing. All I received is \$47.50.

Senator FERGUSSON: Have you ever asked for the receipts?

Chief RANKIN: Yes; but too much work.

Senator INMAN: Did they say that?

Mr. JONES: We checked at noon today by telephone with the field and the information I gave you was a double check, that the receipt is given to the individual trapper.

Mr. HARDIE: The receipt is only for the fur. If a man turned in 10 pelts the receipt says that 3 are graded such and such a grade, XX large, others small or medium, but it does not say how much the Indian gets.

Mr. JONES: It could not.

Mr. HARDIE: But when that fur is sold by the Quebec fur auction and the record is transmitted to your office, that office should turn over to the Indian a statement showing how much he received for his furs.

Mr. JONES: Those records are available in our field office.

Mr. HARDIE: Why do they not give them a receipt when they come in?

Mr. JONES: They are available. We understand that very few people ask for them. Every beaver pelt is traced from the time it leaves the Indian until the cheque goes to him. There is a cheque list at the Amos office which includes the deductions.

Mr. HARDIE: When Mr. Rankin turns the furs over to your fur conservation man at Amos, if he turns over 10 pelts he gets a receipt for the number of pelts and the grade. That goes to the Quebec fur auction. Are his 10 pelts sold as a lot?

Mr. JONES: Oh no.

Mr. HARDIE: Then how do you or anyone else know?

Mr. JONES: These are graded when Chief Rankin turns them over to Mr. Cousineau at Amos. There is a list or something.

These are what we get back from the province of Quebec.

The Joint CHAIRMAN (*Mr. Dorion*): To what are you referring?

Mr. JONES: A beaver grading sheet of the Abitibi preserve. This shows the lot, the number and the date. It is the same form. This is the beaver fur grading sheet produced by the department of fish and game of Quebec.

Mr. HARDIE: Do they give it the same grade Mr. Cousineau puts on it?

Mr. JONES: Not necessarily.

Mr. HARDIE: That is the point.

Mr. JONES: They may upgrade it.

Mr. HARDIE: Or downgrade it.

Mr. JONES: Yes.

Mr. HARDIE: The Indian does not know what he is getting. He does not know whether it is wise to do a better stretching job on a fur.

Mr. JONES: As I say, the Indian knows what his furs are graded as by our expert at Amos.

Mr. HARDIE: He knows that?

Mr. JONES: Yes.

Mr. CHARLTON: And that grade sheet is taken to Quebec; it is checked there, it is regraded, and the same number of grades will be on the same number of furs for that particular Indian? It is not all mixed up?

Mr. HARDIE: He gets it back. That is the question I asked a moment ago.

Mr. JONES: Each fur is identified to a trapper. That one pelt can never be lost; it is identified from the time it is given to us in Amos until—

Mr. HARDIE: Why, then, could he not be issued a receipt?

Mr. JONES: He could.

Mr. MARTEL: You mean, a statement when he gets his cheque?

Mr. HARDIE: Yes.

Mr. JONES: Yes, he gets his receipt on delivery of the pelts.

Mr. CHARLTON: That is direct to each Indian, through the agent?

Mr. JONES: The remittance comes from Quebec to us. We take off the 10 per cent impost, and this goes to our man in Amos. The bulk proceeds go to him, and he writes an individual cheque to each individual person on the sheet.

Mr. CHARLTON: He writes the cheques himself?

Mr. JONES: On the agency trust account.

Mr. CHARLTON: In Amos?

Mr. JONES: In Amos.

Mr. CHARLTON: Is there no slip given to each individual Indian when he gets his cheque as to what the value of each fur was, and the amount taken off?

Mr. JONES: Not unless he asks for it. The information is there. It would be no trick to give it.

Mr. HARDIE: I think it should be given right off the bat.

Mr. JONES: When he gets his cheque?

Mr. HARDIE: Yes. The information is there.

Mr. JONES: Yes, the information is there in the agent's office.

Mr. HARDIE: Then why not issue him with a statement right away with the cheque? With regard to this 10 per cent charge, is this not rather high?

The JOINT CHAIRMAN (*Mr. Dorion*): I believe that Chief Rankin has something to say on that point.

Chief RANKIN: Last winter the girl at Cedar Rapids received a cheque from Mr. Cousineau for \$15. She told me about a month later: she said, "I had a cheque from Mr. Cousineau the other day. He does awfully good to me". I said, "Where did the cheque come from?" She said, "He just sent it to me". I said, "Did you give any fur?" "No." "Where did that come from?" "Oh, I just received a letter and I opened it. There was a cheque in it, so I cashed it."

That girl did not ever send no fur or nothing, and she received a cheque. I would not be surprised if there were cheques scattered all over the country, with that fur conservation.

Mr. JONES: I wonder if the chief ever heard of the comptroller of the treasury, in the Auditor General's department. We can account for every cent of Indian money received and dispersed.

Mr. HARDIE: That is a good example, though. If they received a statement with the cheque, they would know. Some of them do not know what the cheque is for.

Mr. JONES: I think the majority of them would certainly know what it is for, because the system has been operating so long.

Mr. HARDIE: They may think it is an increase in family allowances, or a welfare payment.

Mr. JONES: We could easily give a final statement with each cheque.

Mr. MARTEL: I think, in all fairness to the agent and the fur superintendent there, and the department of Indian affairs, as Mr. Rankin said, when he goes to the office to ask for this information, they tell him they have too much work. In all fairness, they have a great deal of work, because they are not only looking after this band, the dominion Abitibi band, of which Mr. Rankin is the chief; but they also look after the Waswanipi, Manowan, Mistassini, and up to the bay to East Maine and Rupert House, would they come under it?

Some hon. MEMBERS: No.

Mr. MARTEL: Anyway, they have a large territory, most of which is in my riding. It is a large area, and it is quite true that they have a lot of work to do.

Mr. SMALL: They have to keep records anyway, so it would be easy enough to do this.

Mr. O'GUISH (*Member, Dominion Abitibi Band*): This letter is May 4, 1960. My name is Philip O'Guish, from La Sarre. My number, dominion 77, Quebec. I stay at La Sarre. I am going to talk Indian. This letter—

Chief RANKIN: He will speak Indian, if you do not mind.

Some hon. MEMBER: No.

Mr. O'GUISH: If it is good enough for us, maybe it is good enough for the government here at Ottawa.

(Mr. O'Guish spoke in the Indian tongue.)

Chief RANKIN: This letter says: (*Interpretation*) We are asking for the government to give us a little comfort, as we are living outside. We have been asking for houses to live in, and we have never seen anything yet since we asked for it. So now everyone is talking in this reservation, to live as well as the others live on. Also, we have a hard time. There are no trees to cover, so you cannot put up a tent anywhere, unless you live in the house, according to the storm.

We also would like at least a little help to live, not really expensive living, but some kind of a relief. It would help us a lot. But the only thing is, it is very, very hard to get. If you could get something to help.

That is what the letter says.

(Mr. O'Guish spoke in the Indian tongue.)

I am going to continue this letter; this letter says that our agent, the one who lives at Amos—we could not ask anything from him anymore, because we had to do that. Is he not supposed to look after those Indians, the ones who live in the Abitibi?

He said that the first white man came to Canada and he found some Indians in the bush. Now, if we ask anything such as who will look after the Indians, we still could not get anything for them.

When the first white man came to Canada, they were sticking up some kind of cross when they took over this land here. So I do not see why we could not get at least a little help from them, as we gave it to them at that time.

We know that they forgot all about us. Do they still know that we are here in Canada? This letter says it is from La Sarre. I am just translating if for you.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you.

Mr. O'GUISH: (*In the Indian tongue*).

Chief RANKIN (*Interpretation*) I shall continue with this letter here. It says that is the reason why we have a department to help, on account of this, and why we are being here more than white Canadians. So if we could have houses in which to live—that is the same one that I mentioned just a while ago—if we could have houses in which to live, or if we could have a piece of land near the house to do some gardening, to raise vegetables, or things like that, in that case we are satisfied, as long as we have a house now, because we have been asking for a reserve for many years, and we still could not get it.

Mr. HARDIE: Is he speaking of the reserve of 30,000 acres, or of the village?

Mr. O'GUISH (*In the Indian tongue*):

Chief RANKIN (*Interpretation*): He says it does not matter now. We were stuck, and we have only one chief, and we might as well follow him now. And we have a reserve, and we are ready to go there if we have houses.

Mr. HARDIE: This brief was written some time ago, asking that these 30,000 square miles known as reservation No. 70 be opened up to them. What

are the possibilities of earning something from farming, as they say in this brief, or from the timber that is on it? But they would give that up in order to go to Amos to live in houses.

Mr. MARTEL: On the new reserve.

Mr. HARDIE: Or in the village.

Mr. MARTEL: 130 acres.

Mr. HARDIE: 130 acres for 59 people all told.

Mr. MARTEL: Their reserve would still belong to them, but that is not practical as a location. That is the reason why.

Chief RANKIN: Yes; that is the big reserve here, but I am not talking about it yet. I did not mention anything about it yet. I did not mention anything about it, because I did not want to mention it; it is of no use. So the way we use it now is that we have abandoned that part, and we are very glad that we have. But at least they could have told me when they bought that piece of land; but they did not tell me anything about it.

Mr. CHARLTON: There is one thing which should be cleared up. Was it the 30,000 acres from which the timber was sold, and from which the band fund of \$26,000 came?

Mr. JONES: It is reserve No. 70 of around 19,000. I do not know where the 30,000 came from. It is probably an extract from the treaty. It gives a section to the head of a family. It is the one in Ontario, Indian reserve 70, and the timber from it was sold to create the band funds.

Chief RANKIN: That is right. I did not even know the size of the reserve because I have never been there and I am not going to go there at all.

Mr. CHARLTON: That is the one you refer to in your brief?

Chief RANKIN: As far as I know it is thirty square miles.

Mr. MARTEL: Yes, there was a mistake in the translation. I am sorry, because the French version which I have here says thirty square miles.

Chief RANKIN: As I say now, I have said everything that I know; and I said that if it costs the government too much to build houses, at least they can buy farm houses and rebuild them and they are just as good; and we would be satisfied as long as we have a good place to live.

He said that for \$2,000 or \$3,000 you cannot do very much building today, because just a foundation will cost about \$500, even for a small building.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you wish to go on, Mr. O'Guish?

Mr. O'GUISH (*In the Indian tongue*).

Chief RANKIN: This letter says: (*Interpretation*): when I used to go to the bush we always had sickness, and we got stuck. What does the reservations mean? We do not have to go back to the bush any more, and try to live there, and get hurt, and so on like that?

That is what the letter says. You must understand that. We are trying hard to get a reservation to stay on.

Chief RANKIN: This letter says: (*Interpretation*): those young kids ahead of time, we never knew in a few years from now they will be settled down; and they will have no more places to live.

I agree with those last words.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you wish to say a few words, Mr. HouDET?

Mr. HOUDET: Mr. O'Guish stated that when the first white man came to this country it was a kind of an understanding between the white and the first Canadian that the one who came from Europe would help. That is what I hope, gentlemen. I hope you will be able to do that, because I feel my friends need

help. I don't mean only tents, blankets, and so on. Their trouble is bigger than that. They have no trust in anyone, including, possibly, myself. They have been cheated so many times. They need to be boosted up, and to understand the way they are treated. It needs to be explained to them the way they are treated, and why—because we are not 100 years ago. They have a right to know how, why and when. Then, I hope they will be able to acquire education, and be able to think by themselves—to think what they will do, and what they should do. These things may be difficult.

I admit this government is spending an awful amount of money on them, but perhaps a better appreciation of the situation would help more.

Do you agree with this, Mr. Rankin?

Chief RANKIN: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Gentlemen, we were very glad to meet you, and to have you explain your points of view.

I believe you should have confidence in the members of this committee. They will take into consideration every observation you made today. Thank you very much for the assistance you gave us today in trying to solve your problems.

Mr. O'Guish, will you leave a copy of your photograph.

Mr. MARTEL: I think Mr. O'Guish wanted to say something more, Mr. Chairman.

Mr. O'Guish spoke in the Indian tongue.

Chief RANKIN (*Interpretation*): This message I just had when I left home.

There was no work at La Sarre and no where near that place, so all the Indians ask for relief that they might get it, or they might not—stores, some food, canvas canoe, paint, nails, blankets, clothing, pants and stuff like that, underwear, shells for hunting, snare wire, twine for nets, fly nets, yard material for dresses and underwear, stockings, shoes, sweaters, yarn, thread, needles. That is the main things they use. At least if we could get that much we might be able to help ourselves after, if we could have a little help to start, if we could find something to keep going.

Mr. MARTEL: I think this has all been mentioned in the brief this morning. I think it is a resume of what has been said, and it would be too much to ask of the members to hear some more.

Mr. HARDIE: I am not satisfied. I think in this brief they mention employees do not pay unemployment insurance. Is this true?

Chief RANKIN: That is right, because they are Indians they do not want to charge them unemployment.

The JOINT CHAIRMAN (*Mr. Dorion*): You said you collected the unemployment insurance from them?

Chief RANKIN: I do myself, but the rest, very few have got it.

The JOINT CHAIRMAN (*Mr. Dorion*): It says in the brief they collected income tax too.

Mr. HARDIE: That is what I am interested in.

Mr. HENDERSON: Can they collect income tax?

Mr. HARDIE: They have to refund it, but these people do not get T-4's, so they cannot claim a refund.

The JOINT CHAIRMAN (*Mr. Dorion*): Have they their booklets?

Chief RANKIN: Yes.

Mr. MARTEL: Do you mean the employer does not get them?

Chief RANKIN: No, he doesn't.

Mr. HARDIE: By not charging them they have no benefits. He is doing them out of benefits.

Chief RANKIN: There are lots of those jobs where they do not bother.

Mr. HARDIE: They should.

Mr. CHARLTON: There might be some employers who may not be contributing to the unemployment insurance.

Chief RANKIN: They just hire Indians here and there. They gather them together, have them work and pay them.

Mr. JONES: The reason we get from the field as to why Indians do not receive unemployment insurance is that they do not work long enough to get sufficient credits to benefit them. We understand the Indians do get the T-4 income tax deduction forms when working for larger companies in that area.

Mr. HARDIE: They do deduct the unemployment insurance, so no matter how much they work they would still be entitled to seasonal benefits.

Mr. JONES: They might not work the minimum amount of time.

Chief RANKIN: These are temporary jobs. That is why he doesn't pay unemployment insurance.

Mr. JONES: Indians are not barred from unemployment insurance because they are Indians.

Mr. HARDIE: If they are being deducted for income tax these people are entitled to a T-4 slip.

Mr. JONES: We understand the larger employers in that area do give out the T-4's.

Mr. HARDIE: In the brief these people say that they are not sent the papers they need to obtain a refund of their money.

Mr. JONES: We can look into that. It affects every reserve in Canada. We can help them get their refund.

Mr. HARDIE: There was another question. The Indian department charges 10 per cent on the fur as commission for doing what?

Mr. JONES: For insurance, transportation and tallymen's wages of \$50.00 a head. These are the tallymen who count the beaver huts during the winter.

Mr. HARDIE: I would think that would be under the provincial government. It is wild life service.

Mr. JONES: It is under the fur preserve plan.

Mr. HARDIE: I have sold hundreds of thousands of pelts of beaver and every other kind of fur. According to the figures I received this morning I never paid the percentage these people are paying to get rid of the fur. On a \$10.00 beaver these people pay 25 per cent out on royalties and sales tax. All I have been charged is 10 per cent for cleaning, dressing and everything. All I would pay would be the royalty and transportation. I do not see where the transportation charges would be too much in that area.

Mr. JONES: In the 1958-59 season the amount received is \$10,677.13. The impost would be about \$1,100. From that same account they paid 36 tallymen at \$50.00 each.

Mr. HARDIE: Let us get rid of the tallymen and let them count their own.

Mr. JONES: The Indians are the tallymen. They count the huts each year.

Mr. HARDIE: The trapper actually is getting this \$50.00 anyway.

Mr. JONE: Yes. The band.

Mr. HARDIE: The band or the individual trapper?

Mr. JONES: The trapper. The impost fund paid out more than was taken in.

Mr. CHARLTON: Is this the \$50.00 which Chief Rankin mentioned this morning which they had to pay?

Mr. JONES: No. The fund pays them.

Chief RANKIN: When did they cut out the \$4 for each skin they used to deduct?

Mr. JONES: I am not aware of any \$4. The province of Quebec set the \$1 royalty which they have the right to do on beaver pelts. The pelts go to a fur auction, and there is four to five per cent of the gross deducted as a sales cost, which I think is normal.

In addition, there is this impost which is taken. That is 10 per cent. That covers the cost of insurance, air freight, transportation from the place of delivery to Quebec, and it also operates the tallyman system, where the same people who paid \$50 a year to protect and count the beaver lodges report the same, and from their quotas the total for beaver lodges is struck for the next trapping season.

Chief RANKIN: I am pretty sure that I paid \$4 each skin, after they opened that business. The meeting we had with Mr. Conn, he explained to us that he is going to deduct off \$4 for each skin, so that means you are going to get it back.

Mr. JONES: I am advised by Mr. Gorman, who was operating this for some years for Mr. Conn, that there was a \$4 charge in the late forties, but there has not been one since.

Mr. HARDIE: Is that because the beaver prices were higher, and the percentage was higher?

Mr. JONES: You are quite right, Chief Rankin. Up to 1946 or so, but not since then, I understand.

Chief RANKIN: Since then I have heard nothing about it, but every one of those hunters still figures he is paying \$4 each.

Mr. HARDIE: I would like to ask Chief Rankin a question. In your submission, with regard to this housing project at Amos you are asking for 30 houses. When you ask for 30 houses, are you taking into consideration these people from La Sarre?

Chief RANKIN: Absolutely, because these are on my list.

Mr. HARDIE: That will cover them.

Chief RANKIN: I counted them at the same time. It is in now. That is, if they want to.

Mr. MARTEL: I have a supplementary question, Mr. Chairman, or a little detail from Mr. Jones about the 10 per cent. Is that charge from the net sale proceeds, after the royalty is taken off?

Mr. JONES: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): We will adjourn the meeting until tomorrow morning at 9.30, when we will hear the representatives of the St. Regis band.

APPENDIX "A"

*List of Indian Organizations, Provincial
Government, non-Indian organizations and Indian
Bands requesting hearing before Joint Committee.*

A. Indian Organizations

1. Union of Ontario Indians
2. Indian Association of Alberta
3. North American Indian Brotherhood
4. Aboriginal Rights Committee—Interior tribes of British Columbia
5. Six Nations Confederacy
6. Federation of Saskatchewan Indians
7. Catholic Indian League of Canada
8. Manitoba Indian Brotherhood
9. Indian Defense League of America
(with headquarters in the United States)
10. Representatives from Northern Sask. Thunderchild and Joe Bear Bay.
11. Nishga Tribal Council

B. Provincial Governments

1. Ontario Indian Advisory Committee
2. Manitoba
3. Saskatchewan
4. Newfoundland

C. Non-Indian Organizations

1. Indian-Eskimo Association
(National Commission on the Indian Canadian)
2. The Anglican Church of Canada
3. The United Church of Canada
4. The Canadian Welfare Council
5. The Co-operative Union of Canada
6. The Elizabeth Fry Society
7. The Welfare Council of Greater Winnipeg
8. Canadian Catholic Conference
9. Medical Association of Canada

D. Indian Bands

1. Caughnawaga Band Council, asked by Committee to appear last year.
2. Five Bands of the Okanagan Agency in British Columbia as a group
3. Six Bands of the File-Hills-Qu'Appelle Agency, Saskatchewan, as a group
4. Blackfoot Band—Alberta
5. Blood Band—Alberta
6. Saddle Lake Band—Alberta
7. Attawapiskat Band—Northern Ontario
8. St. Regis Band Council—Ontario and Quebec.
9. Barren Lands Band—Manitoba
10. Dominion Abitibi Band—Quebec
11. Oka Band.

APPENDIX "B1"

East Main Band, East Main, Que.
Via Moosonee, Ont.

December, 29, 1959.

Committee and Private Legislation Branch,
House of Commons,
Ottawa, Ont.

Dear Sirs;

I am writing to you in reply to your letter of August 12—about the committee on the Indians and changes which may be made about the Indian Act. As chief of this band I can see as each year comes the Indians are getting poorer economically. I would be pleased if you would let me know what is being done and what can be done in your committee. I can then pass on this information to my band. You and I would not like to see the Indians starve or be destitute. I would also like to know what are the changes that are made or suggested about the Indian Act. Also in what ways the chiefs such as I can do to help the government and our people. I would like a copy of the Indian Act which I haven't got. From it I can get a better understanding of my duties as chief and also what I can do for my band. Apart from trapping there is little or no work so there is no other income from other sources. It has been some time since I have seen the Indian Agent. I know he has a lot of work to do and believe this is the reason he has not visited my band. It would be of great help to me to have the Indian Act and what changes are proposed which I can study and look to in my duties as chief. So if a copy is available I would appreciate it very much. I can then give my people a better understanding of what the government can do for them and other important steps taken to improve the lot of the Indians. Until I know what steps have already been taken and are to be taken about the Indian Act can I say what ways I can be of help to you and my band.

Yours very truly,

Mathew Shanousg-chief
East Main Band.

APPENDIX "B2"

(Translation)

(Original text submitted in French will appear in No. 1 French Edition)

OBIDJUAN, September 1959

Re Memorandum

Dear Sir,

The Indians of my Tribe urge that the hunting laws, enacted in favour of those who live in reserves be not changed.

At the present time, as Chief of the Tribe of Obidjuan, I am not, as my predecessors were, receiving clothes of all kinds to distribute among the families of the Reserve.

Would you kindly send me a copy of the Indian Act because, as Chief, I am often called upon to answer questions concerning it, although I have neither code or book dealing with it.

Presently, we have on our Reserve some houses built by the Department of Indian Affairs. These houses should be warmer and more comfortable in cold weather, so that the families, and especially the children might be more comfortably lodged. In connection with housing also, each home should have running water so that there should always be drinking water in sufficient quantity for all domestic purposes. This would be more hygienic and necessary from all point of views.

In concluding my memorandum, I would ask you to advise me by return mail when I might meet the Director of Indian Affairs in Ottawa. As far as I am concerned, I could make the trip in May 1960.

Yours very truly,

ELIE DUBÉ

*Chief of the Indian Reserve of Obidjuan,
via Oskelaneo River,
Abitibi East, P.Q.*

E. W. Innes, Esq.,
Committee Clerk,
Committees and Private Bills Division,
House of Commons,
Ottawa, Canada.

APPENDIX "B3"

Ruperts House, Que.,
James Bay,
September 12th, 1959.

Mr. E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa, Canada.

Dear Sir,

Some Indians here don't believe that they can have a good job if they go to school to have a good education. But some are sending their children to school and looking forward for them to have a good education and training in the future years. I think this is best for all children.

We Indians think that its best if a hostel is built here for the old people who can't help themselves. And to have a man and woman of his own people to look after them all.

We would be very glad if we had an Indian reserve where all Indians here can hunt and fish. The white men come here to buy a space of land for hunting so we think its best if the Indians get a space of land where they could hunt before the white men come to buy all the land close to the reserve.

We think it will be best if we get liquor demoralization here that we have a police for the people. We want to have a police here, because everywhere when they get liquor for outside, there's a police there. And I think it is a very good idea for the Indians to have a police here, when we get the liquor.

Yours sincerely,

MALCOLM DIAMOND,
Chief.

APPENDIX "B4"

Isaac Shecapio, Chief,
Mistassiny Band,
Mistassiny, P.Q.
c/o P.B. 130,
Chibougamau, Que.,
August 24, 1959.

E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa, Ontario.

Dear Sir,

In reply to your letter of August 12, and at the request of the Chief (Mistassiny Band), and other Indians I am writing the following:

The Chief and Indians of Mistassiny Band request the following improvements:

- (1) Complete Education of their children, not only a few years schooling but complete education; also technical training and an adult training program. As the adults are mostly unable to write, speak, or read English they lose out on many job opportunities.
- (2) Housing Plan on the Reserve. For this they request a sawmill, a tractor, and a brush cutter as a start, in order that the land may be properly cleared. The Indians cannot afford to pay for these houses—they are not financially able to do so, however they are in need of the housing.

By doing this on a logging plan and sawmill basis they could do the work themselves, under proper supervision, this work could replace direct relief.

- (3) Greater protection for the Indians against people selling liquor and other intoxicants. At present it is not too difficult for some of the people to procure this from nearby Chibougamau. The use of intoxicants is tending to destroy the younger Indians.
- (4) That the Reserve be set up with complete Administrative Set-Up, as is done in the south. With school, Nursing Station, etc. We were born at Mistassiny, we want to live at Mistassiny, and we feel sure that in a few years from now after we are properly established, our people will find ways and means of making a modern living.
- (5) More land for Reserve—in order to have a better supply of wood and timber.

signed,
Isaac Shecapio,
Chief, Mistassiny Band.

Interpreted by:
Smally Petawabino.

Typed by:
G. R. Speers,
Manager, HBCo., Mistassiny.

APPENDIX "B5"

Winneway,
Via Laforce Que., Dec. 18, 1959.

Mr. E. W. Innes, Secretary,
Join Comity of Indian Affairs,
Ottawa.

Dear Sir.

Whereas we are established here permanently, organised with a school, a church, a store and a clubhouse; as we have also a regular service of mail and electricity.

Whereas we cannot depend on a steady job or work all year round, securing a decent living and a suitable welfare.

Whereas the distribution of rations—though given regularly and very willingly—is usually a source of trouble and discussion.

All things considered, we suggest a fundamental, a year round grant—excluding the beneficiaries of old age pension—being distributed in the shape of a monthly cheque, as follows:

Bachelor or spinster	\$20.00
Full family:	
Husband	\$12.00
Wife	\$10.00
Each of the first two children	\$ 7.00
Each of the other children	\$ 5.00

To your benevolent Attention.

The LongPoint Indians.

Chief, Jos Ogushing,
Concellor, J. W. Palson,
Concellor, Joe Mattias.

APPENDIX "B6"

December 27, 1959
Barriere Band
Rapide Lake
via Maniwaki, Que.

Dear Sir,

We the Indians of Barriere Band wish to give the evidence which you have require.

The reason we are unable to give any information which you have requested is this:

For the past years we did send the complaint to the Indian Department in Ottawa and to the Quebeg Government but we did not get any answer of any kind to solve our problem and difficulties at that time

And we also asked for a help and any kind of employment such as guiding or to cut a pulpwood for the C.I.P. Co.

Although we did have very work but it has been cut already so we have to struggle very hard to make a decent living.

Very few Indians have a good job but it do not last very long which it should have been. So we have gave you almost all the problem we did have all these years and we still have the same problem. Even our hunting right it is not the same as it was years ago.

Instead some of the Indians have to pay so much a year for their hunting we have to be very careful what we are doing otherwise we would to pay fine if we make a mistake and lose everything besides

That the story about the Provincial Game Warden works, if any further information will be gladly to do so.

Authority given by Chief David Mackakoose.

Sign Alex Nattawey.

HIS

Co-sign Paull X Matchewan.

MARK

Writer Pierre Wawatie.

APPENDIX "B7"

P.O. Box 188

CHAPAIS, QUE.

APRIL 25, 1960.

NORTHERN CITIZENS GUIDANCE ASSOCIATION

To The Joint Committee of the Senate and House of Commons on Indian Affairs

R. Phillips, Pres.

R. Thierry, Vice Pres.

Mrs. J. Scanlon, Sec.-Treas.

DIRECTORS

F. G. Cooke

F. Isserhoff

Rev. J. Scanlon

E. Watt

Gentlemen:

On the evening of April 20th, 1960, seven representatives of the Department of Citizenship and Immigration (Indian Affairs Branch) from Ottawa and Quebec attended a meeting of The Northern Citizens Guidance Association in Chapais, Quebec. This organization is attempting to improve the lot of the Cree Indians in the Chibougamau mining area of Northern Quebec. Composed of mining people, doctors, clergy and other local citizenry, the organization feels strongly that measures must be taken to help the Indian cope with the new way of life that is growing up around him. Education, health, employment and citizenship are considered the most important factors involved in this process. Government representatives learned in the course of their visit here, that action has already been taken to implement these measures in the town of Chapais. Here, at the Opemiska Copper Mine, a policy has been in effect for several years which encourages when possible the employment of Cree Indians on a permanent basis. There are about ten such persons presently employed at the mine. They live in the community of Chapais in unsegregated housing and take a normal and growing place in the development of community life.

Mr. F. G. Cooke, manager of the Opemiska Mine stated emphatically at the meeting that he would employ several more Indians at the mine on a selection basis if Government supported housing could be provided. He made it clear that he did not mean that the Government should undertake to build "gift" houses for the Indians as is done on reserves. These should be Government "Supported" houses which would be sold on a regular payment plan to responsible Indian employees. Mr. Cooke's statements were supported by Mr. Arnold Walker, manager of the Campbell Chibougamau Copper Mine in Chibougamau. Mr. Walker said that he would definitely hire Cree Indians as part of his permanent labour force if supported, unsegregated housing could be provided in the town of Chibougamau.

It was pointed out to the meeting that this was one of the most unusual offers ever extended to the Federal Government in its plan to assist and better the welfare of the Canadian Indian. Here we have a case of local industry within the environs of the Indian saying to the Government. . . . "We are willing to give these people jobs and invite them to be regular members of our communities, but we need your help with housing. Now what are you going to do about it?" This is such a tremendous opportunity that if our Federal authorities fail to grasp it, a black chapter will have been written in the pages of Canadian history.

Another matter of importance raised was the question of Hostels for Indian children. The N.C.G.A. is in favour of the La Tuque plan provided it offers in the end permanent type employment to the future Indian labour force. Experience has taught us that seasonal employment is not the answer, nor ever will be. There are far too many negative sociological aspects involved. We understand that the La Tuque plan, commendable as it is, will not by any stretch of the imagination take care of the total number of available children. Our organization has therefore put on record a request that hostels be built in towns like Chibougamau, Chapais, Schefferville and eventually Mattagami. In such places, Indian children could receive primary education within their own environment, and eventually as the development of these towns proceeds, training in High Schools and Technical Schools. Their training would qualify them for permanent employment in the mining industry, commercial and other fields.

Once again, it is emphasized that these offers of cooperation are coming from the industrial, educational and social leaders of Northern Quebec mining communities. Will the opportunity be grasped by our Federal Government or will it be lost? Canadian citizens have been asked to develop a new consciousness towards their Indian brethren. We believe that we have done that here. We are willing to go all the way. But the next move is yours.

We would hope that the joint committee of the Commons and Senate would study these proposals humbly submitted and that out of its discussions an enlightened and rewarding policy will be adopted.

On behalf of the N.C.G.A.

Respectfully

Doris H. Scanlon
Mrs. James P. Scanlon
Secretary-Treasurer

cc Rt. Hon. John Diefenbaker
Mrs. Ellen Fairclough
Mr. Douglas Jackson
Col. H. M. Jones
Canadian Indian-Eskimo

Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

THURSDAY, MAY 5, 1960

WITNESSES:

From the St. Regis Agency Indian Reserve: Chief Alex Oakes and Councillor Ernest Benedict.

From the Department of Citizenship and Immigration: Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs, and Mr. H. M. Jones, Director of Indian Affairs.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone,
Joint Chairman,
Hon. W. A. Boucher,
Hon. D. A. Croll,
Hon. V. Dupuis,
Hon. M. M. Fergusson,
Hon. R. B. Horner,

Hon. F. E. Inman,
Hon. J. J. MacDonald,
Hon. L. Méthot,
Hon. S. J. Smith (*Kamloops*),
Hon. J. W. Stambaugh,
Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,
Mr. H. Badanai,
Mr. G. W. Baldwin,
Mr. M. E. Barrington,
Mr. A. Cadieu,
Mr. J. A. Charlton,
Mr. G. K. Fraser,
Mr. D. R. Gundlock,
Mr. M. A. Hardie,
Mr. W. C. Henderson,
Mr. F. Howard,
Mr. W. H. Jorgenson,
Mr. S. J. Korchinski,

Mr. R. Leduc,
Mr. J. J. Martel,
Mr. H. C. McQuillan,
Mr. H. J. Michaud,
*Mr. G. W. Montgomery,
Mr. R. Muir (*Cape Breton North
and Victoria*),
Hon. J. W. Pickersgill,
Mr. A. E. Robinson,
Mr. R. H. Small,
Mr. E. Stefanson,
Mr. W. H. A. Thomas—24

Quorum—9

M. Slack,
Clerk of the Committee

* Mr. Montgomery was replaced by Mr. MacRae after the morning sitting of May 5.

ORDER OF REFERENCE HOUSE OF COMMONS

THURSDAY, May 5, 1960.

Ordered, that the name of Mr. MacRae be substituted for that of Mr. Montgomery on the Joint Committee on Indian Affairs.

Attest.

L.-J. RAYMOND,
Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, May 5, 1960.

(4)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Hon. Senator Gladstone and Mr. Noël Dorion, presided.

Present:—The Senate: Honourable Senators Fergusson, Gladstone, Inman, MacDonald, and Stambaugh.

The House of Commons: Messrs. Badanai, Cadieu, Charlton, Dorion, Hardie, Henderson, Howard, Jorgenson, Korchinski, Leduc, Martel, Robinson, Small, Stefanson, and Thomas.

In attendance: Hon. Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; *From the St. Regis Reserve:* Messrs. Alex Oakes, Chief and Ernest Benedict, Councillor; *From the Department of Citizenship and Immigration:* Messrs. H. M. Jones, Director of Indian Affairs, and C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

Mr. Dorion introduced Dr. Moore, Director of Indian and Northern Health Services, to the Committee.

*Agreed,—*That the briefs from the following Quebec Bands be printed as appendices to this day's evidence:

Bersimis Band (*See Appendix C-1*)

Pointe-Bleue Band Council (*See Appendix C-2*)

Temiskaming Band (*See Appendix C-3*)

Messrs. Oakes and Benedict were introduced and Mr. Oakes read a brief dealing with various sections of the Indian Act and was questioned thereon, assisted by Mr. Benedict.

Messrs. Oakes and Benedict supplemented their brief by supplying the Committee with additional information on various points.

Mr. Jones also supplied information to the Committee on a number of related points.

At 11.00 a.m., the Committee adjourned until 3.30 p. m. this day.

AFTERNOON SITTING

(5)

The Committee resumed at 3.30 p.m., the Joint Chairman, Senator Gladstone and the Vice-Chairman, Mr. John Charlton, presided.

Present:—The Senate: Honourable Senators Fergusson, Gladstone, Inman and MacDonald.

The House of Commons: Messrs. Baldwin, Cadieu, Charlton, Hardie, Henderson, Howard, Jorgenson, Martel, McRae, Small, Stefanson, and Thomas. (16)

In attendance: Same as at morning sitting including Mr. W. C. Bethune, Chief of Reserves and Trust Division, of the Indian Affairs Branch.

The Committee continued its examination of Messrs. Oakes and Benedict on the contents of the brief of the St. Regis Indian Agency.

The Minister and her officials supplied information on a number of related points.

At 5.00 p.m., the Committee adjourned until 9.30 a.m. Wednesday, May 11, 1960.

M. Slack,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 5, 1960.

THE JOINT CHAIRMAN (*Mr. Dorion*): Hon. Minister and gentlemen, we have a quorum.

I wish to advise you that this morning we have with us Dr. P. E. Moore, director, Indian and northern health services, Department of National Health and Welfare. Would you please stand up, Dr. Moore. Dr. Moore is at our disposal if we have any questions in respect of his branch.

There are three briefs, one from the Bersimis band, Quebec; one from the Pointe Bleue band, Quebec; and another from the Temiskaming band, Quebec. These briefs were sent to us by the representatives of these bands but they have not asked to be heard. Perhaps it would be in order to attach these briefs to our proceedings as an appendix.

Agreed.

THE JOINT CHAIRMAN (*Mr. Dorion*): This morning we have the brief of the St. Regis band, Cornwall, Ontario. Head Chief Alex Oakes and Ernest Benedict, councillor of the band are with us today. Chief Oakes will read the brief.

CHIEF ALEX OAKES (*Head chief, St. Regis Indian band*): Excuse me if I am a little nervous.

St. Regis Indian Agency
P.O. Box 1268
Cornwall, Ontario
April 20, 1960

The Joint Committee of the Senate and House of Commons
On Indian Affairs
Ottawa, Ontario

Gentlemen:

The following is the brief drawn up by the St. Regis band council to be presented to the joint committee of the Senate and the House of Commons on May 5 1960.

Messrs. Alex Oakes, head chief and Ernest Benedict, councillor of our St. Regis band of Indians, will make themselves available at the above-mentioned date for this hearing and to elaborate on the following points:

1. Section 1:

The term 'Indian Act' is one that causes friction among Indians on the reservation. A change in name of this 'act respecting Indians' would be welcomed by the people and make the work of council more acceptable in all areas.

2. Section 2-1 (0):

Question of title to reserve lands being vested in Her Majesty is one to be cleared up.

3. *Section 4-2:*

The governor in council has shown little indication to use this to alleviate the aches and pains of the St. Regis Indians arising from the nature of their reservation, situated in Ontario and Quebec and separated from their families in many instances by the U.S.-Canada border line. These problems are not unknown to the Indian Affairs branch. In the opinion of this council this section of our brief is the most important and we request a hearing before the joint committee to elaborate.

4. *Section of Membership:*

Council of band should have more say in membership of their band. Special cases that arise should be shown more consideration than allowed in the Act now in effect. (Re: admittance by marriage of widows and children).

5. *Section 35:*

Lands taken for purposes by the band should have preference in selecting additional tracts of land to replace loss of lands in reservations.

6. *Section 86-2:*

That each individual reserve be given the privilege to have local option in the matter of voting in federal and provincial elections.

7. *Section 87:*

Legal rights. Over 95% of the employed Indians of St. Regis reservation work in the United States. The Jay treaty art. 3, proclamation of 1763 relating to Indian rights should be recorded in the Act respecting Indians and to have legislation passed by parliament to reaffirm the treaty.

8. *Section 112:*

This section is unfavourable to the Indians and we request the removal of same from the Act.

9. *Annexation:*

Does not section 88-1 apply to the annexation of reservation lands?

City of Cornwall granted permission by Ontario municipal board to annex Cornwall island of the St. Regis Indian reservation. NO-PLEBISCITE!!!

Alex H. Oakes, Head Chief,
St. Regis Band Council.

Thank you, gentlemen.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you like to elaborate and give your own commentary on each point involved in your brief. We will proceed one by one with the point in the brief.

Chief OAKES: Ladies and gentlemen, the first item is about the term "Indian Act". On our reserve since I have been a kid I was told there had been a man killed on our reservation years ago concerning this. It has been more or less a term which has caused bad feelings towards the act since that time when it was first introduced at our reserve. A man was killed over that. I believe the change of the name to a different name would stop all the friction there is on the reservation. Every time the chief or the councillors mention the act it is not liked and there is always friction. I would really appreciate having a change in the name. Any other name would be all right.

Mr. KORCHINSKI: Do you have any suggestion as to what you would like this act referred to as?

Chief OAKES: Any name except the present one would be acceptable. In other words you could change the name as long as the name of the act is changed. You are law makers and you could decide what it should be. I think any change at all would be acceptable.

Mr. KORCHINSKI: I notice you have "Act respecting Indians". Would that in your opinion correct the situation?

Chief OAKES: That is what it is I think, an act respecting Indians. It might be better if that was changed to "Law" or something.

Mr. ROBINSON: Do you mean to drop the word "Act"?

Chief OAKES: Yes.

Mr. KORCHINSKI: You have mentioned that perhaps you should have more say in the membership of the band. Would you care to elaborate on that?

Chief OAKES: It is mostly in respect of marriage problems and enfranchisement. Some persons maybe have a franchise and some of them are worthy to be brought back on the reservation. It is not through any fault of their own they are enfranchised. They would like to get back and the governor in council has more say than we have in the band council. Their words means more. We know who our people are and we know whether or not they are worthy to come back on the reserve. We feel we should decide who is entitled to come back on the reserve.

Mr. JORGENSEN: We have skipped from one to four. I think the procedure we were to follow is to take one item at a time. It is rather difficult to follow what is going on unless we do this.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration and Superintendent General of Indian Affairs*): I would like to say a few words about the name of the act. Chief, you know the act is entitled an act respecting Indians and it is just the short title which is "The Indian Act". Whatever name you put on it, human nature being what it is, I think it will still be called the Indian act and that people will refer to it as the Indian act.

Chief OAKES: I agree with you.

Mrs. FAIRCLOUGH: Actually the act itself is called an act respecting Indians.

Mr. JORGENSEN: As I read it that is what they object to.

Mrs. FAIRCLOUGH: They say "A change in the name of the act." I am sorry, I read this wrong. I thought you were asking it be changed to "Act respecting Indians".

Chief OAKES: No.

Mr. SMALL: You say there is a certain stigma attached to the act on account of a person having been killed.

Chief OAKES: Yes.

Mr. SMALL: Do you think a change would make any difference?

Chief OAKES: As long as the name is eliminated I would say the feeling would be 90 per cent cured. It concerns not only my own reservation but also other bands which are related to my reservation.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions on this point?

Senator MACDONALD: What is the population on this reservation?

Chief OAKES: I believe our band on the reservation is in the neighbourhood of 2,600.

The JOINT CHAIRMAN (*Mr. Dorion*): This is the number of members in your organization.

Chief OAKES: I am just saying about how much. It is in the neighbourhood of 2,600 people.

The JOINT CHAIRMAN (*Mr. Dorion*): The population.

Chief OAKES: Yes.

Mr. KORCHINSKI: Are you aware that the name of the act as it is known at present creates problems in other areas or in other reserves?

Chief OAKES: Yes. I could name you another agency which has the same problem I have. I believe Brantford would be one. Caughnawaga is another, and Oka. They are related to us. We are under the same confederacy of the Iroquois. We are related in our back history. I believe this would remedy it a lot, just having that wording changed. That would help other reservations.

Mr. KORCHINSKI: Would you say they have had similar problems to yours. You mentioned that someone was killed over it. Did they have a similar case?

Chief OAKES: My belief would be that the Six Nations Indians—and we are part of the Six Nations—would consider it a very satisfactory move if this was changed.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions on this point?

We will go on to the second paragraph in respect of section 2-1(0).

Mr. JORGENSEN: Would Mr. Oakes explain what he means by this.

Chief OAKES: Mr. Benedict could explain this.

Mr. ERNEST BENEDICT, (*Councillor, St. Regis band*): The Indian Act defines a reserve.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe you all have in front of you a copy of the act. I will read the definition of reserve:

“reserve” means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band;

This is section 2-1(0) of the act.

Mrs. FAIRCLOUGH: In the definitions.

Mr. BENEDICT: It is very difficult for our band members to understand the meaning of that definition, especially among those who are older, because they find that this definition could not apply to our own Indian lands. We have searched in all the history we could, as well as the memories of the older people, and have not found where we have lost, sold, or given away the title to our land which we believe or originally we had with this title. We have not found a deed in which the title was transferred to Her Majesty. If the lands had been given to the queen at some time or other, we have not heard about it. We would, therefore, ask that this body recognize that the title to the lands remained with us, is still with us, and that the definition of the Indian act, having to do with lands on a reserve, does not apply to those Indians who have not yet given up title to their lands.

The JOINT CHAIRMAN (*Mr. Dorion*): You say in effect that the band is the owner of certain lands but you have no express legal title.

Mr. BENEDICT: We have no knowledge of when the title went from us to Her Majesty the queen. We have heard explanations by those who are students of laws, saying that the title which Her Majesty has to our lands was gotten from the French. We have looked as far as we could through the French history and have not found a time or a place that the legal title was given to the French of our lands. If there has been no transfer of title, then we would insist that this body recognize that title.

Mr. KORCHINSKI: Would that apply in cases where there are no treaties signed, or would it apply to all bands?

Mr. BENEDICT: There may have been some cases where Indians have been conquered without having a treaty signed afterwards, but we know of no instance where that could be applied to our reserve.

Mr. ROBINSON: You are speaking of off reserves at the present time.

Mr. BENEDICT: Yes.

Mr. ROBINSON: Not other lands where there are treaties enforced.

Mr. BENEDICT: We know very little about the past histories of other bands, but we know only what has been written about our band and what has been carried on through the traditions of our people.

We have failed to find any time when a transfer of title was involved.

The JOINT CHAIRMAN (*Senator Gladstone*): I think my understanding of it is that the Indians of the eastern part, who helped fight the battles of Canada, never had any treaties as such, as the western Indians have. The effect of treaties of the western Indians is that the Queen took upon herself the guardianship of all these tribes that she made the treaty with. But with the Indians of the east, who fought alongside the settlers here against the invaders who fought for Canada, they had lands granted them by the British government, and they feel that all grants of ownership of the land are different from the case of the Indians in the west, who have signed a treaty with the Queen.

Mr. MACDONNELL: What is the date of the treaty in the west?

Mr. SMALL: They were subsequent to 1763. They are all set out there.

Mr. MACDONNELL: Mr. Chairman, I have just been handed this pamphlet which contains a list of the treaties.

The JOINT CHAIRMAN (*Mr. Dorion*): Colonel Jones, could you answer the question, please?

Mr. JONES: Treaties 1 and 2, 1871; Treaty No. 3, 1873; Treaty No. 4, 1874; Treaty No. 5, 1875.

Mr. SMALL: They were all after confederation.

Mr. JONES: Yes.

Mr. SMALL: The treaties they refer to were after—

Mr. JONES: 1867, the year of Confederation.

Mr. SMALL: That is, the terms of the capitulation that were set down about the time of the treaty between the French and the English; that is what they are referring to.

Mr. JONES: I am reading the dates of the western treaties.

Mrs. FAIRCLOUGH: That is what Mr. Macdonnell asked. They are all here in the book.

Mr. SMALL: What they are referring to is defined under the terms of capitulation with General Montgomery and Gage. I do not think the titles to the land were involved, except that the Christian French Majesty at Fontainebleau ceded it to his Britannic Majesty. But I do not think the Indians regard the property as owned by them. There is not anything set out that they have title to land. This was not anything other than a European treaty. Even in your own tribe, the Cayuga, Tuscaroras, and the Mohawk and the Onondagas, the land was won by conquest, and there was not any deed to the property as we know it.

The JOINT CHAIRMAN (*Senator Gladstone*): These people were allies.

Mr. SMALL: They are allies, either under his Christian Majesty the French king or his Britannic Majesty the British king, and this is in W. S. Kennedy's book on treaties with the Indians, and it is set down there. You will obtain that in the library.

There was a treaty with the Iroquois and the Canandaiguas allied with the French, and the terms of the treaty would be difficult to determine, because you did not have the concept of vote of land at that time, and it would be difficult to trace.

The JOINT CHAIRMAN (*Mr. Dorion*): Did you have any difficulty with that question, in fact, because you had no legal title?

Mr. BENEDICT: It would affect our property in regard to expropriation procedures on it. We have had a number in recent years, and before. We do not know to what extent to exercise our rights to govern our own property, unless we know to what extent we own it.

Mr. THOMAS: Mr. Chairman, there is a point here that I feel should be cleared up in relation to Indians' rights.

Since I was elected to parliament in 1957 and became acquainted with some of these problems, this one question has come to my attention more than any other.

The reserve in our riding, Middlesex West, is composed of some bands of the Six Nation Indians. They have seemed to feel—and I am going to put it this way—the ordinary Canadian citizen—and when I say “an ordinary Canadian citizen,” I do not know how to describe it any other way, and I will take myself: I have owned property in Ontario and I have owned property in some other provinces of Canada. The ownership to that property is registered in a properly authorized provincial registration district. The property is registered in the name of the person who has title to that property. The rights to minerals may or may not be reserved under Her Majesty or to the Canadian Pacific Railway, or to some other former owner of that property, but the property is registered in the name of the individual who owns it, who not necessarily occupies it.

Now the Indians live on a property which is vested in the name of Her Majesty. As I understand their problem it is this: They want that land registered in the name of the band to which they belong. They want the right for the band to deal with that property, in just the same way as any other Canadian citizen can deal with property.

Mr. BADANAI: Or a corporation.

Mr. SMALL: Or a corporate body.

Mr. THOMAS: That is the request they are trying to make; and the request has often been made to me by Indians in our own riding. I feel the time has come when this problem should be grappled with. I feel those Indian bands should own their own property, in the same way that any corporation owns property.

If the bands wish to give certain Indians title to certain property, within their corporate rights, that should be arranged for them. I know the Indians are afraid to have their land registered in a registry office, and they have expressed fears concerning that to me. But I think they should be educated along these lines, and brought to realize what is involved. I think the time has come when they should be given actual ownership of their property.

The JOINT CHAIRMAN (*Mr. Dorion*): I suppose you agree with the hon. member?

Mr. BENEDICT: I believe that this opinion that has just been expressed by the hon. member would be welcome news to our people.

I will not say that our band, as a whole, will agree wholeheartedly, but it would be a great step if this body would study the question of the title of Indians to Indian property; and I hope that in the future we would be given an opportunity to express our own ideas concerning this, with more competent advice from those who know legal procedures better than we who have not had legal training.

Senator STAMBAUGH: Mr. Chairman, I would like to ask the speaker if he would accept the same responsibility as the ordinary Canadian citizen or corporate body does if this was granted? There are certain responsibilities attached when you have got title to land.

Mr. BENEDICT: I believe we, as a band, can handle the responsibilities that have been attached to obtaining a legal title to our lands.

However, we would first require that the government of Canada not grant us a legal title, but recognize our legal title which is longer standing than one that might be granted to us. I believe that upon the basis of recognition of our legal title we would be able to work out the problems and the responsibilities that would be attached to it.

Mr. LEDUC: I am not a legal member, and I am not very conversant in legal matters, but I would like to know from you, who is an expert in constitutional matters—

The JOINT CHAIRMAN (*Mr. Dorion*): It is too much for me.

Mr. LEDUC: —if the Canadian government can, after the judgment is rendered by the Privy Council—as it is—declare that the land does not belong to the band, but to the province in which the bands are established? The Privy Council judgment has been rendered to that effect. What can the Canadian government do about it?

Mr. SMALL: Mr. Chairman, I think Mr. Jones could say that, because there is the matter of Indians having control over their property, undertaken by treaties and surrenders. There is no property can be taken from Indian bands, or corporate property. It is vested in them by the Crown, and it cannot be taken off by treaty or surrender. I think Mr. Jones could tell us about that.

Mr. JONES: I think what the doctor has in mind is that Privy Council ruling whereby the province has the residual right or underlying title to Indian lands.

So, for instance in the province of Quebec, a surrender would be useless, because the proceeds could be taken by the province. In the west it does not apply.

Last year the minister introduced legislation, confirming agreements made by the Maritime provinces, whereby the title does not revert to a province until the last remaining member of a band becomes extinct.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Jones, would you tell us what would be the responsibility of the owner, if it was registered in the title of the bands?

Mr. JONES: If they assume full citizenship responsibility?

Hon. Mrs. FAIRCLOUGH: Ownership of it.

Mr. JONES: I would first of all think of education. At present the federal government is faced with the operation of schools in Cornwall island, Chenail and St. Regis village. It bears the cost of junior education and most of the cost of higher education.

I think of roads next. Of course, the band does provide for their own band council salaries now. They do provide for some relief, I believe. I am speaking from memory.

Then there are policing, fire, education—I believe they would be the main things they would have to assume.

Mr. CHARLTON: And hospitals?

Mr. JONES: Yes, they would have to take on any scheme for provincial hospital insurance, and their own medical care.

Mr. SMALL: You had better use the word “plan”. The word “scheme” is rather susceptible to misinterpretation.

Mr. LEDUC: I do not think it would be in favour of the Indians to have the ownership of the land and have the privilege to dispose of it the way they want, like any other Canadian.

I could give you a concrete example of the Indian reserve in Maniwaki. That band surrendered a portion of the reserve, before the ruling was made by the Privy Council, in order to establish the municipality of Maniwaki, on the understanding that the revenue from the sale of the land would be returned to the band. It was done. The Indians, by a resolution of their band meeting, ceded a portion of their reserve for a village; and they were supposed to get the revenue for sale of those lands. They got a portion of the money and the ruling came from the Privy Council, and the province of Quebec was criticized because they had sold property that did not belong to them.

If the Indians were left free to own land on their reserve, with title, the way any other Canadian can, without being a prophet I can tell you that in 75 years from now there would not be left a single mile of Indian reserve at Maniwaki, because the Indians would sell it.

I do not believe it would be in the interest of the Indians, for generations to come, to give them now this privilege.

The JOINT CHAIRMAN (*Mr. Dorion*): I would like to know from Mr. Oakes this: Your intent is registration of title for the whole community, or every member of that community?

Chief OAKES: I myself, this is how I feel. I do not feel my people, right now, are prepared to accept that responsibility, but there will be a time when they will be ready to accept the responsibility as Mr. Jones outlined.

I do not think we are ready right now. Our education is most important, and we like to have education and proceed with it for a time; but at the present time we are not prepared.

I believe this section No. 2—on this question of the title to reserve lands—I think we knew what our Senator here spoke very well about, how the Queen got title to the lands. We were allies with the Queen at the time of her battles, and I think she assumed responsibility over us.

I think the question now is clearer a little bit than it was before. We did not understand. I believe that question over there has been already answered by our Senator here.

The JOINT CHAIRMAN (*Mr. Dorion*): You are satisfied with the observations made by Senator Gladstone?

Chief OAKES: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you, sir.

The next item, section 4-2.

Chief OAKES: The governor in council has shown little indication to use this to alleviate the aches and pains of the St. Regis Indians arising from the nature of their reservation, situated in Ontario and Quebec and separated from their families in many instances by the U.S.-Canada border line. These problems are not unknown to the Indian affairs branch. In the opinion of this council this section of our brief is the most important and we request a hearing before the joint committee to elaborate.

Here is the situation on that. We are situated in a very difficult geographical place. The way the land is situated we are bordered by Quebec, Ontario, and New York state. We secure employment on the American side. 80 per cent of my people secure it there. I myself do most of the time. The problem that arises is crossing the border there, going back and forth. We purchase a lot of stuff on the American side and it is more or less our freedom of getting back and forth on the border. I think the situation over there is unfortunate because of the way the geographical set-up of the reserve is. It is really a problem there. We are bordered by two provinces and a state of the United States.

So on that problem we think an easement of any kind would be appreciated over there, because we go back and forth, from the Canadian to the American side, over there.

It is a local problem there that arises a lot of times. If this was put in some other way, and a new law was maybe made on a situation like that—any easement would be appreciated.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any questions to put to the witness on that point?

Mr. SMALL: Your difficulty is on the inter-marriage between United States nationals and Canadian nationals?

Chief OAKES: It is really a major problem there. It is bringing things over. If you are employed over there—for instance, we get our groceries over there, I believe to more percentage than we do on the Canadian side. We feel we have work over there, and we go and buy a lot of the materials over there and we would like to have the privilege of bringing it over without too much of a question, seeing how we are situated.

We cannot go to buy in Canada because of the way our reservation is set-up. Certain people can, but we cannot. They have to go to the American side to get back to Canada.

Mr. SMALL: The problem to be discussed by the committee is the differences of allegiance between the two countries. If an Indian girl here were to marry an Indian from the United States she would become a U.S. citizen, and vice versa. You have a matter of duty in smuggling too. It originates from the treaty where they were allowed to go hunting on both sides, to go fishing and shooting, and they could bring it back without let or hindrance. But today there is duty imposed on goods and there is a wide range of law that could be violated, and a lot would take advantage of their position in doing this?

Chief OAKES: Yes.

The JOINT CHAIRMAN (*Senator Gladstone*): I would like to explain what my friend the Chief means. The situation is, in the west, all along the line of the 49th parallel, as far as the Indians of America are concerned, they did not put that line there, so there are Indians on both sides.

Mr. SMALL: What they are talking about happened at the time of the transfer of allegiance from the French Crown to the British Crown. But we are talking about a period after Confederation, where laws and rules set-up for the Indian were more definite than what they are now.

The JOINT CHAIRMAN (*Senator Gladstone*): I am referring to the west, as we know it. My nation has about 5,000 in the States and about 5,000 in Canada. All through the past that used to be where they hunted, and there was no line to stop them. When the treaties came there was no mention of any restriction on any person, and any tribe could go backwards and forwards, except where land was set apart for them on the other side of the line and

on this side. But so far as visiting and going backwards and forwards was concerned, there was no restriction. I think that is what the Chief means and he is referring to what is known as the Jay treaty.

Chief OAKES: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): I see this question is linked with your paragraph 7, section 87, legal rights.

Chief OAKES: I am more interested in the section. We will get to section 7, and we would like to hear something about that. But I would like to get more answers on this question that I asked. I believe the problem is the geographical—

Mr. SMALL: —set-up?

Chief OAKES: —set-up of our place is most difficult.

I do not think any other reserve I have heard of across Canada has that kind of problem. There might have been a few, but I have not heard of them.

Mr. SMALL: It could happen out west?

Chief OAKES: Yes.

Mr. JONES: Mr. Chairman, I can sympathize with the delegation. If any of you have ever gone to Cornwall island and St. Regis Indian Reserve, you will go through the Canadian customs, the Canadian immigration, the American customs and the American immigration at the Roosevelt bridge. You go up the Malone highway, and you turn left, and to get back on the reserve you have to get across the border again.

If I spend a couple of days down there, for administration purposes, it seems to me I am going in and out of customs and immigration all the time. I am not sure what the committee can do about it.

I think the other thing the Chief is mentioning is the membership problem of the American counterparts who live across the Malone highway. They are intermarried. However, the geographical problem is bad. I would like to cite a case which occurred when the hoof and mouth disease was on in the west, which I am sure you all remember very well. The Indians of St. Regis had produced a lot of hogs. They were quite active at that time in farming. Believe it or not we could not assist them to get those hogs over to Cornwall for marketing because in getting from St. Regis over to Cornwall island they had to pass through United States territory. Is that not right, chief?

Chief OAKES: Yes.

Mr. JONES: I have all the sympathy in the world with them.

The JOINT CHAIRMAN (*Mr. Dorion*): Would this not be a problem to submit to the United States-Canada legislative committee?

Mr. HOWARD: Mr. Chairman, I wonder perhaps if the gentlemen from St. Regis or perhaps Colonel Jones could give us some indication of the area of land involved on the United States side and the area involved on the Canadian side, that is between Canada and the United States, without going into the question of how much is in Quebec and how much is in Ontario. This is apart from touching on the provisions of the treaty and the question of moving back and forth across the land with the duty paid, which is another question entirely. It would appear that the solution would be to move all the St. Regis people over the border either into the United States or into Canada or in order to overcome this problem. This might overcome this problem of access and easement in travelling back and forth. It would not overcome the problem of being nationals of one country or another.

Chief OAKES: On the United States side there would be an area of seven miles square. That would be a rough guess. It is figured there in square miles.

Mr. HOWARD: Seven square miles or seven miles square?

Chief OAKES: Seven miles square.

Mr. MARTEL: Is it a reservation on the United States sides?

Chief OAKES: Yes.

Mr. SMALL: The Canadian side is larger?

Chief OAKES: I do not know exactly the area. There are islands involved.

Mr. JONES: The Quebec portion is 7,384 acres with a population of approximately 1,600. In Ontario there are 2,050 acres with a population of 810. This is subject to revision in the last couple of years. I think that is approximately right.

Mr. HOWARD: Could I make one further inquiry and ask Colonel Jones what is the population of these people in the United States?

Mr. OAKES: I believe it is a little over 2,000 people who are on the rolls—probably 2,300.

Mr. BENEDICT: I would like to add to that figure a large number of those who have moved from what is considered as the Canadian side of the boundary over to the United States side, which would I believe amount to approximately 2,000 people who are not enrolled on the United States band rolls. For one reason or another they may not have retained their membership on the Canadian rolls.

Mr. HOWARD: But these 2,000 live in the confines of the reserve on the United States side.

Mr. BENEDICT: Yes.

Mr. HOWARD: So this would in effect mean that 2,000 should be added to the figure of 2,300 who are in the United States.

Chief OAKES: Yes.

Mr. SMALL: They would be subject to what would be the United States counterpart of the act respecting Indians. You would have to be governed by that and there would be a conflict of authority of some kind which would have to be taken into consideration.

Chief OAKES: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): The hon. minister is obliged to leave us. I thank her very much for being here.

Have you any further questions to ask in this respect?

Mr. HOWARD: Yes. May I pose a question directly to Colonel Jones. Last summer I had the pleasure of going to St. Regis and I chatted with some of the people there about a number of these problems. There is the matter of the border between Ontario and Quebec right in that particular corner. Some of the St. Regis people there are on land on islands where the question has not been cleared up as to which particular province this land is in. I understand that has been going on for some time. Colonel Jones might bring us up to date as to what possibilities there are of resolving the dispute between the province of Quebec and Ontario as to the border in that particular area.

Mr. JONES: It has not been brought to my attention recently. I do not think there has been any conclusion reached as to who actually owns those islands.

Mr. HOWARD: I recall corresponding with you about it, Colonel Jones, and I have forgotten precisely what your answer was except that it was not resolved. What are the legal processes of determining whether or not the border is or is not where it should be.

Mr. JONES: Of course the boundary line is a matter between the province of Ontario and the province of Quebec.

Mr. HOWARD: Then it is a question of negotiation between those two provinces.

Mr. JONES: Yes. Many years ago somebody with the best intentions in the world drew a line which has caused the St. Regis Indians a lot of trouble ever since. We have tried to get some solution to it but have not as yet been successful. We keep on trying.

The JOINT CHAIRMAN (*Senator Gladstone*): Could it be settled by the Indians themselves deciding which province they would like to be in?

Chief OAKES: I believe it would be a very good idea if the Indians were asked by the two provinces to decide which side they want to be on. I think that is a good idea.

Mr. JORGENSEN: Might I ask Colonel Jones whether or not the problem could be resolved in that manner.

Mr. JONES: I would like to think it could be. It would be a simple way of doing it. We can take that under consideration to see if we might push that forward. I am not too optimistic about it when it involves two provinces with different social welfare legislation benefits available, and that sort of thing. However, we could see if there is a solution in that way.

Mr. HOWARD: Is there much of an area involved.

Mr. JONES: I do not think so.

Mr. HOWARD: As I understand it, it is a very small portion.

Chief OAKES: I would say there would be at least 1,600 people involved.

Mr. SMALL: He is speaking about the area of land.

Chief OAKES: It would be all of Snge and St. Regis island.

Mr. JONES: But not St. Regis village?

Chief OAKES: No. Also the islands in the lake St. Francis area.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions?

We will move on to paragraph 4. Have you anything further to add on this, Chief Oakes or Mr. Benedict?

Chief OAKES: I will read this:

Council of band should have more say in membership of their band. Special cases that arise should be shown more consideration than allowed in the act now in effect. (Re: admittance by marriage of widows and children).

I believe we have several problems there regarding marriage. I will let my colleague explain that further.

Mr. BENEDICT: The Indian Act as it stands is very rigid in its definition of an Indian. It seems to us to show that the government does not think we know what an Indian is. The rules of band membership are such that Indians have only a right to protest the enrolment of an individual but cannot enrol people that cannot fulfil the requirements of the act. For instance, the government does not recognize as Indians our brothers who live across the international boundary line. We declare that those of us who are Indians are qualified to judge their Indian status and to accept them as members wherever such an enrolment would be to the advantage of the tribe. Indians who have lost their band membership in some way have no hope of regaining their membership.

The JOINT CHAIRMAN (*Mr. Dorion*): Who have lost it in what way?

Mr. BENEDICT: Through enfranchisement. But when the term enfranchisement means so many things, we hate to use that word. Suppose an Indian woman marries an Indian who is not enrolled in a Canadian band, she would lose her membership. If she were widowed she would not have the right to return to her band regardless of the desires of her family or of the band council, or regardless of the hardships that she may suffer because of having lost her membership in the band.

The JOINT CHAIRMAN (*Mr. Dorion*): Is it the same result if she had married a white man?

Mr. BENEDICT: It is considered as bad to marry an Indian who is not enrolled as to marry a white man under the laws as they stand now. Even if the person has married an Indian woman whom we know to be a full blooded Indian as long as he is not enrolled as such she has no hope of ever regaining the membership she might have lost.

We have lost the services of some talented young woman who have been employed by the Indian agency as stenographers and interpreters since they married non members. Most of these whom we have lost have married Indians who resided on the American side of our reserve. The law regards them the same as whites. They went through the process of enfranchisement—whatever that might mean in legal circles—were paid a portion of the band funds and were dropped from the band rolls. We are told by the government agents that even though they happen to be widowed they would not be able to regain their membership.

Mr. STEFANSON: When these girls of whom you are speaking get married to members of the band on the United States side, would they become United States citizens?

Chief OAKES: We have some members who are in a confederacy like the Oneidas and marry Senecas and get widowed or something like that and who would like to return to the reservation with their families. Under these conditions the law says they cannot return again to become band members.

Mr. BENEDICT: Our recommendation is that the Indian Act be amended to accept for membership widows who have lost membership through marriage—who had previously lost membership through marriage—or Indians not registered in a band or Indians who have lost membership because of the marriage of a mother to a non member. In explanation of that, there have been some cases where Indians who have married and have already assumed responsibilities of raising a family have been taken off the membership rolls because the mother of that Indian married a non member. Those who are legally children under 21 must also be dropped from the rolls when a mother marries or remarries a non member. Her minor children are dropped from membership also, even though they may have a separate residence or have been brought up within the reservation and have been accepted as members of the band up until that time.

Mr. STEFANSON: You mentioned that when these girls leave the band and get married they are paid their share of the band funds. Who decides this? Does your own council decide who receives this payment? I have had complaints of young Indian girls getting married, say at the age of 18, to a non Indian that they have been unable to receive their band funds. Do you do this in all cases, regardless of age?

Mr. HOWARD: I believe this is a statutory provision. The act says they will receive their per capita portion of the band funds.

Mr. STEFANSON: Is it regardless of age?

Mr. SMALL: Yes.

Mr. HOWARD: Might I ask some further questions? Incidentally, this is a problem in all reserves in respect of the woman who marries an Indian and loses her band membership and is not able to come back again. In this case, however, I imagine it is aggravated even more because of the Canada-United States border.

Mr. BENEDICT: Yes.

Mr. HOWARD: This makes it more of a problem than on most of the other reserves.

Mr. BENEDICT: Yes.

Mr. HOWARD: Assume for argument's sake that a girl marries a non Indian in so far as our act is concerned, is then struck off the rolls and takes her per capita of the fund with her. Then assume she is widowed and wants to come back into the band and the band council say they will give her permission to become a band member again and she comes back and then marries again another non Indian. In that case she would have a right to have a second per capita from the band fund, because under the act now she could.

Mr. BENEDICT: If she marries another Indian again on the reservation there is the problem which has arisen, so far, of the woman wanting to come back on the reservation.

Mr. HOWARD: I am saying, for argument's sake, that the act is found to allow this woman who is widowed to come back and become a band member again and then if she were to remarry a non Indian following that and left the reserve again, she would then be entitled to another per capita amount from this band fund and in effect would get two per capita amounts. Do you think a person should be entitled to only one per capita amount?

Chief OAKES: Speaking for myself I believe they should not. I think one is enough.

Mr. SMALL: I think there has been considerable objection about this from other bands. Unless they pay back what they took out in the first instance it would be discriminatory against the others.

Chief OAKES: I believe you are right.

Mr. SMALL: They cut themselves in twice on the deal.

Mr. BENEDICT: I believe the portion of the band funds that the woman would receive would probably be quite small and it would seem only to be an incidental matter. I believe that those who would be involved would readily agree to the proviso of receiving their portion of the band money only once.

Mr. HOWARD: On this question of band membership and the act saying that the band council does not have the right to determine who should and who should not be a member, personally I think there should be a fair amount of laxity in that respect and that a person who leaves the reserve either because of the marriage or enfranchisement, for argument's sake, if later on is desirous of returning should become a band member. I am wondering what your thoughts are about the general right of an Indian to leave the reserve, be stricken from the band list, and at some subsequent date decide he would like to come back again. Do you think he should have this right subject to approval of the band council? That is, to move on or off the reserve pretty well at will?

Chief OAKES: I believe if a person does come back there should be a time limitation. In other words if she was widowed, maybe five years from the time her husband died she would be eligible to come back on the reserve if she desires to. A limitation of time would be helpful.

The JOINT CHAIRMAN (*Senator Gladstone*): In the west since this new act was proclaimed in 1951 there have been several cases where Indian women

married outside, received their per capita, and then for some reason or other, for instance, through widowhood came back and remarried into the tribe. Then they again went out and were paid twice. Now the councillors and chiefs, in my reserve and others, have decided that they could only take their capita share once. If they come back and go out again they do not get the per capita.

Mr. KORCHINSKI: Would you agree if, prior to readmission into a band, they returned the monies which had been paid.

The JOINT CHAIRMAN (*Senator Gladstone*): If they returned the money they took out, then it is another question.

Mr. KORCHINSKI: Even if they remarried back into the band?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes. They have already taken their per capita share.

Mr. KORCHINSKI: Before they can remarry they have to repay the amount of money.

CHIEF OAKES: If they come back into the band, yes.

Mr. KORCHINSKI: If they remarry to some member in the band, would it be one of the prerequisites that they have to repay?

The JOINT CHAIRMAN (*Senator Gladstone*): The opinion of all the Indians with whom I have talked it over is that they cannot be paid the per capita twice. If they come back they should put back what they took out.

Mr. KORCHINSKI: This is a small point, but perhaps it is something which could arise. If a widow who has been out of the band remarries a member within the band and is accepted within the band, the point I want to make is does she have to repay the amount before she can get married.

The JOINT CHAIRMAN (*Senator Gladstone*): The feeling is they should. However, when the briefs come from the west no doubt you will see the things I am speaking of will be brought up.

Mr. HOWARD: As the act stands at the moment a person could receive two per capita amounts. It is on this premise, I think, that the attitude of the Indians at the moment is that they should pay it back because they will get it out again if they leave. However, if we recommend the principle that they only receive it once, then there is no need to pay it back if they remarry and go back.

Mr. HENDERSON: Why not let the Indians decide that themselves.

Mr. HOWARD: Yes. Perhaps we are getting into the argument ourselves as to what we should do.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe it is time to adjourn. We will meet again this afternoon at 3:30. I thank you very much, Mr. Oakes and Mr. Benedict.

AFTERNOON SESSION

The VICE CHAIRMAN: Ladies and gentlemen, we have a quorum, so that we can proceed with our meeting.

As I understand it we were on section 4 this morning. Are there any more questions on section 4, or has either Mr. Oakes or Mr. Benedict anything further to add to what you have already said on section 4?

Chief OAKES: No.

Mr. BENEDICT: No, sir.

The VICE CHAIRMAN: If there are no more questions on section 4 we can proceed to section 5—section 35.

Senator McDONALD: Are you dealing with the St. Regis Indian agency?

The VICE CHAIRMAN: Yes.

Senator McDONALD: I am sorry, but I had to leave and attend another committee meeting.

The VICE CHAIRMAN: Are there no questions on No. 5?

Mr. HARDIE: I would like an explanation—

Mr. HOWARD: —as to what is behind it.

The VICE CHAIRMAN: The witnesses have said they have nothing to say.

Mr. HOWARD: That is No. 4.

Chief OAKES: Section 35: Lands taken for purposes by the band should have preference in selecting additional tracts of land to replace loss of lands in reservations.

Some of our land has been expropriated by the Seaway. We would like to have additional land to replace what was taken.

The VICE CHAIRMAN: You would like to have a decision of where it is going to be?

Mr. BENEDICT: We would like to claim as a part of any contract whereby land is taken away for a reservation, that land be found for us and attached to our reserve areas, as a condition of the contract or of the expropriation proceedings.

Mr. THOMAS: Might I ask a question there? I would like to ask if the witness is familiar with the situation in Sarnia, where certain lands were sold. Is it his request that other lands be given to the Indians, in the way of reserve and, and that funds are not to be placed to the credit of the band and used as bands funds?

Mr. BENEDICT: I do not think the band counsels will accept a trade as such, but it should be this addition of an equal area of land should be included as a condition; and then the negotiation should go on from there.

If the new area can be found to be of equal value then, perhaps, the bands would agree to an equal trade, acre for acre; but there must be this provision there would be some area, and perhaps the band counsels will agree to an area where the land to be attached may possibly be of greater value and may, perhaps, make up the difference.

It is our concern that because of expropriation for public purposes, the size of our reservation is being reduced and, of course, we can foresee the day when it will be so small we will not be able to live on the land that would be remaining to us.

Mr. HARDIE: This is just in the case of expropriation and not in the case of where you sell land yourself?

Mr. BENEDICT: Yes.

The VICE CHAIRMAN: Any other questions on section 5?

Mr. THOMAS: I understand the witness to say this request only applied in the case of expropriation?

Mr. BENEDICT: Yes, that is right.

The VICE CHAIRMAN: If there are no further questions on section 5, shall we proceed to section 6?

Chief OAKES: Section 86/2: That each individual reserve be given the privilege to have local option in the matter of voting in federal and provincial elections.

I have been approached by other members of my counsels, including my people as a whole. They want to know whether this voting here, whether they could have a sort of referendum and decide whether they want to vote or not. It is a big problem.

Myself I vote automatically. I was in World War II, and I was attached to the Allied Forces. I know I automatically had the right to vote, but my other people have different ideas than I have. But as their leader, to my best judgment, I think they have a voice in that, and I would say it would be up to the members to decide.

Mr. HARDIE: Has not each individual Indian, under this new legislation, the same right you have now, that you can vote if you wish and if you do not wish to vote you do not have to? You have individual option right now.

Chief OAKES: That is the understanding the last time I was over to a meeting with the members of the Indian Department. But my people are hard to convince. We have tried hard to convince them. They would like to have, in the form of a writing, a letter, something telling them they will not lose their rights as Indians, and so they can go and vote.

Nowadays they just have a word from the Prime Minister and Mrs. Fairclough that they can vote without losing their rights. If it was in the form of writing it could be sent to me, and I could explain it to them, and any member could see it. They would be more or less satisfied, then, I believe. As it is, they are afraid to go out and vote, just like we are. I understand it, but my people do not.

I would like to have that, if it is possible to have it done that way, to have it in writing, saying that we have our guarantee that we do not lose our inherited rights. Then I think they would have better understanding, and they might go out and vote. I do not know.

Mr. HOWARD: I wonder if I might pose this question, but say first, as an opinion, I am sure none of your rights are abrogated in any way. Senator Gladstone is of the same opinion. The Prime Minister said it too and Mrs. Fairclough said it.

Chief OAKES: Yes.

Mr. HOWARD: But, in fact, I do not think a letter from anyone would mean any more than the expression itself. I just want to pose a question: Whether you think it would be better to say in the Indian Act itself that the amendment that has now removed section 86-2, and repeated in the Election Act, would abrogate none of your treaty rights?

Chief OAKES: Yes, I believe that would be a better approach there. We have laws we follow, and with that change in there I think it will have quite an effect. I have been asked by a lot of members and counsellors too, from each district, they have asked me and have said even in a letter form that would help, if it was sent to me. I think I could make a lot of explanation there too, because my people do not seem to realize what it means. They have a doubt in their mind as to what it is, and it is hard for me to explain it to them; and I have quite a problem there too.

Mr. HENDERSON: From whom would you want the letter—Mr. Diefenbaker?

Chief OAKES: I believe the head of the government would be all right.

Mr. HENDERSON: I can see your point all right. We have got that trouble up in our own country.

Mr. HOWARD: Would this be your suggestion, as far as a letter from the Prime Minister is concerned? Would it be a letter addressed, say, for argument's sake, to yourself as Chief counsellor, or to each individual member.

Chief OAKES: I believe to each individual member there would be more appropriate. I represent the people only. but to write to the people as a whole I think would be a better approach, myself.

The VICE CHAIRMAN: There are many places in *Hansard* now where that statement has been made, but that is not the same as the letter?

Chief OAKES: I do not understand.

The VICE CHAIRMAN: There are many places in *Hansard* where it states that they would not lose any of their present rights. It is in *Hansard*, on record.

Chief OAKES: Yes.

The VICE CHAIRMAN: Perhaps you could show them that.

Mr. BENEDICT: Would that constitute a promise?

The VICE CHAIRMAN: Just as much as a letter or anything else. Would not that suffice in their mind, showing it on the written record of the House of Commons, by both the Prime Minister and the Minister, Mrs. Fairclough?

Chief OAKES: Yes, we would probably ask whether it constitutes a promise in the mind of the government.

Mr. HOWARD: There would have to be legislation.

Mr. JORGENSEN: Is it not true that governments have been known to change, and that a statement such as that would not be binding on the record? Do you not have that clause in the act which would require an act of parliament to change? Would this not be more satisfactory?

Chief OAKES: I believe it would be more satisfactory, yes.

The VICE CHAIRMAN: Acts could be changed, too.

Mr. JORGENSEN: Yes, but it would require an act of parliament to do so.

Mr. MARTEL: We do not have here a copy of the bill giving the right to vote to Indians. How would it be if that were sent by the minister along with a letter and explanation to each band chief? It might not be possible to send it to every tribe member, but it could go to every band council with the promise, reiterating what has already been said in the house by the minister, and including a short letter covering a copy of the bill amending the Elections Act and the Indian Act.

Mr. SMALL: Has the bill been assented to yet?

Mr. MARTEL: Yes.

Mr. HARDIE: That is the bill which they have objected to across the country.

The VICE CHAIRMAN: Percentagewise.

Mr. HARDIE: Most Indians feel that these people would like to know whether or not the acceptance of this vote would in any way jeopardize their positions.

Mr. MARTEL: That is right, they want reassurance about it.

Mr. HOWARD: The only way you can do that and make sure is to put it in the form of legislation. A letter from Mrs. Fairclough, with all due respect to her, or a letter from the Prime Minister, with all due respect to him, are opinions only; and if, just for the sake of argument, this question should arise later on, and if it got into court, we would be faced with a condition like Mr. Justice Norris had in British Columbia, when he said that he was not too much concerned with the Prime Minister's interpretation of another matter. And we would find that the court was more concerned with what the law said, rather than with opinions.

These letters are no more valid than opinions in *Hansard*.

Mr. THOMAS: I suggest that a letter from the Department of Justice, not from the minister, would possibly suffice.

The VICE CHAIRMAN: Mr. Hardie remarked that many Indians did not like it, I do not know if he meant the majority.

Mr. HARDIE: That is right.

The VICE CHAIRMAN: But in the statement which Mrs. Fairclough made in the house, as I recall it, it said that we had received from various bands reports and that it figured out at $7\frac{1}{2}$ to 1 in favour, with 30,000 odd in favour of it, and only 4,000 opposed to it. That seemed to be a clear indication that by far the great majority of Indians across the country were in favour of having the vote.

Mr. HARDIE: That may be, but I am sure the Indians of Canada want to be assured that by accepting this vote they do not in any way jeopardize their hereditary rights. Whether it is done by letter or done any other way, I think the only way it should be done is by legislation. I do not think that a letter can help these fellows. I think a letter from the department might convince their people, but they know more about it than I do.

Mr. SMALL: Has that legislation not been passed?

Mr. HARDIE: Yes, but it does not say that they have their original rights.

Mr. MARTEL: I think there was something mentioned in the explanatory notes to the bill.

Mr. HOWARD: You do not legislate by means of explanatory notes, but rather by what the law says.

Mr. SMALL: I was in the house when the bill was up, and there was some contention about having it extend further. They said that the majority of the Indians at the present time, in regard to the act, were very much disatisfied because of their enfranchisement, and that the more you tried to explain it, the more confused they became with it.

And if you passed this legislation giving them the right to vote without any qualifying time in order to satisfy them that they were not losing anything about it, the more you tried to convince them that it meant what it said the more confused they became. It was like somebody over-selling you when trying to sell you something.

So the bill was passed in all its simplicity, and you would be able to exercise your right as an individual to vote, and it would be proved in time whether you lost anything by voting, and that the legislation was never questioned or challenged; and that the way it stood, you could go and vote or not as you wished; you have the right of an ordinary citizen in Canada to vote or not to vote.

Mr. HARDIE: I do not want these people to go away with the impression that they would lose their rights. I am sure that they would not do so. The Indians in my riding have been voting since 1949, and they still have their rights, and I am sure they will continue to have their rights.

Mr. SMALL: But the older Indians were not satisfied, because they had been gyped so often.

Chief OAKES: Treaties have been broken all the way down the line and in various years, and they are sort of skeptical; so they would like to have a little assurance, and I would like also to have a little assurance if possible. That is why they are skeptical about voting. But if they received assurance from everybody, you would see them turning up to vote. I think that is the only right, because they know who they want to vote for in any election.

Mr. SMALL: What you are suggesting now is that there should be a letter go out from this government to every Indian on the reservation explaining that he has the right to vote, and that they have all the authority

that the government can grant. I think that just for the chief to say what it does is not enough. I believe each one should receive a letter personally.

Chief OAKES: I think it should be sent to each agency in that form. I doubt if it will be necessary to send a letter to each person. I believe that if a copy were to be placed on the bulletin board to be read by them, it should be sufficient.

The VICE CHAIRMAN: I think I am safe in saying that if you think a letter from the minister would help, I believe she would be very glad to write that letter, if you think it would help.

Mr. HENDERSON: He would have something to work on then. This boy has been over in Europe and he has been around. He understands; but the old bucks back home do not understand.

Mr. BENEDICT: I wish to repeat some of the notes that I have taken in my conversation with these people that I had right here as a delegate. They wish to point out that they did not seek the right to vote, and of course when something is offered to us, it is viewed with great suspicion. We have tried to keep our reserves as separate legal bodies from your people so that in this way we might live in peace on our reserves.

We are trying to preserve our reserves until we can pass them on to succeeding generations in as good a shape as possible.

We have had a conflict of opinions expressed by government officials, one saying that if Indians are to obtain the privileges that are those of ordinary citizens, then they must also accept responsibilities. This of course means taxation, and that is what the Indians do fear.

It does not seem reasonable that Canadian voters that are also taxpayers will accept from a special act the privileges of Indians, if they are to receive the same consideration for their votes that the ordinary Canadian taxpayer receives for his.

It appears that our reserve is in the minority, if we are to go by opinions, as was cited a few minutes ago.

It seems to me that we are perhaps the only ones in the locality to object to these voting privileges. Perhaps it is the poll-takers who are more industrious in arousing public opinion on each reserve. Otherwise I think the figures would have been changed.

In the past it has been unfortunately the habit of government officials to go to the elected council which in many cases enjoys the minority support of the reservation. It has been proven in the past that the elected council on our reserve at St. Regis has enjoyed very small support from the general body of the people.

In later years perhaps it has gained a little bit in popularity; and I am told by our relations and friends on other reserves that the proportion of those who are cooperating with the government by running for elected office is just about the same as on our reserve. I cannot speak for the other reserves, but I know of many where the elected council was not held in such good repute.

Therefore if we should elect a council and go against the best wishes of our people who have objected to voting, then I believe they would probably be justified in holding us also as traitors to our position.

We will have objection to make to the first polls that will be set up on the reserve at St. Regis. Perhaps there will be objection to the enumerators who probably will have to come on the reserves. They perhaps will be strangers, and the people will view them with suspicion.

The VICE CHAIRMAN: They should not be strangers. They should be your own people.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration*): Yes, they should not be strangers. They should be your own people.

Mr. BENEDICT: Then those people will also be on the spot. And when the polling place is set up, there will perhaps be a demonstration by people saying that their rights are going to be endangered. Then there will perhaps be additional police escorts for this polling in order to preserve order.

That also will confirm in the minds of the Indian that the Canadian government is going to impose its will on the people whether the Indians approve of it or not.

I do not know what the result of these predictions will be, but it seems quite likely in considering the opinions that have been given to me that these things will happen, and it seems that in the best interest of the reservation that the first referendum be established or held on our reserve; and we propose that the Indian Act should include a section providing for the establishment of a referendum upon this reserve which would clearly show opposition to the privilege of voting.

Mrs. FAIRCLOUGH: I am sorry that I arrived in the middle of your presentation, and I did not hear what you had to say before, Mr. Benedict. But I think the Elections Act reference to policemen is not what you had in mind.

Mr. BENEDICT: We have not been given a copy of the Elections Act.

Mrs. FAIRCLOUGH: There is a general provision for policemen to be at the poll, but they are civilians, not members of the police force; and their job at the poll is to see that order is maintained, and that there is no rowdiness and that certain descriptive material is visible.

It tells the individual how to proceed to vote, and that they shall not remove candidates' posters, and so on; and that they must not be displayed within a certain distance of the polls; and the various duties which they have.

But it is not a matter of using force. It is very rarely that we run into that sort of thing. What they might run into is a little rowdiness. You might have people coming over who wanted to tear down the instructions, or something like that. And in some parts of the country they do have trouble. Even in non Indian polls, they do have their troubles.

But I would hope that the people who are opposed to voting would understand that they are not in a separate category. There are people who are opposed to voting in the non Indian community as well. They have a choice. They may vote or they may not vote, as they please. If they do not want to vote, then no one forces them to do so. They can do as they please about it. But it is a sign of their full citizenship, and we are convinced that most of the Indians wanted to have it.

We did not move until we had ample evidence of the fact that most of them wanted to have it. I would like to avoid any unpleasantness, and if you have suggestions to make in that regard, we would be glad to have them. But I do not think you can legislate one way for one part of the country, and another way for another part of the country. Legislation at the federal level must of necessity cover the country as a whole.

We would be very glad to do anything we could to convince your people that this is certainly not an infringement of their rights. It opens to them a fuller participation in civil affairs. So, if by sending someone down to explain the details would help, we would be glad to do so. We would be glad to explain it to your council, and in any event we would be glad to cooperate with you to resolve whatever difficulty there might be.

Chief OAKES: Would you like me to explain to Mrs. Fairclough, what I was mentioning before she came in?

The VICE CHAIRMAN: Yes.

Chief OAKES: My people do not like to vote. They have come to me and asked me to explain it to them, but it is hard for me to explain what the system is. They want to have assurance. All we know is that we have the word that they will not lose our rights. But they want to have assurance of some kind, such as in documentary form, so that they will know that they will not lose their rights.

In the past they have had experience with broken treaties and so on, and they are uneasy all the time with regard to procedures of the government. So if we had some sort of assurance in, let us say, documentary form, I think the people would understand it more, and a lot of them would probably turn out to vote. And as we go along they would learn that there would not be any misunderstanding.

I believe that over the years as they become educated to this system, they will understand it; but it is hard for me to illustrate it, to tell them just exactly what this situation is, because there are a lot of die-hards among them.

Hon. Mrs. FAIRCLOUGH: Possibly we could help explain that to them. Certainly this is not going to alter their position. As a matter of fact, from the standpoint of having the vote, governments are much more likely to listen to people who can exercise the vote. That is just human nature. They are anxious to please them, in order to secure their support. That is one of the basic facts of political life; as you know: you are an elected representative yourself.

We have a little time, and I think that we can probably give you some assistance to convince them.

The VICE-CHAIRMAN: Mrs. Fairclough, I have already put on the record that I thought you would be quite happy to write a letter to the chief, if Mr. Oakes thought a letter from you would help.

Hon. Mrs. FAIRCLOUGH: Yes.

The VICE-CHAIRMAN: I said you would be quite happy to provide that letter.

Hon. Mrs. FAIRCLOUGH: Yes, I would be very glad to do that.

The VICE-CHAIRMAN: You would be happy to provide a letter pointing that out?

Hon. Mrs. FAIRCLOUGH: Do they think that would help?

Chief OAKES: I believe anything would help. All we have seen is what is in the newspapers.

Hon. Mrs. FAIRCLOUGH: Yes, we would be glad to do that.

The VICE-CHAIRMAN: Are there any other questions on 6? If not, we will go ahead with No. 7.

Chief OAKES: That is regarding section 87: legal rights. Over 95 per cent of the employed Indians of St. Regis reservation work in the United States. The Jay treaty, article 3, proclamation of 1763, relating to Indian rights, should be recorded in the act respecting Indians and to have legislation passed by parliament to reaffirm the treaty.

No. 7 and No. 3 I believe are closely related. I talked about that this morning. That is one of the things that we want.

We can proceed with section 87 here. I would like to get some answers to our questions on that. That covers section 3 that we have. That is a very difficult position right there.

The VICE-CHAIRMAN: Are there any questions, ladies and gentlemen?

Mr. JORGENSON: Mr. Chairman, I wonder if someone could tell us, just briefly, what is contained in article 3 of the Jay treaty.

The VICE-CHAIRMAN: I am sorry; but you will have to speak up plainly in order that the reporters may catch your voices. Have you not a copy of the treaties in front of you?

Mr. JORGENSEN: I have.

Hon. Mrs. FAIRCLOUGH: This is the treaty. Perhaps Colonel Jones could explain this.

The VICE-CHAIRMAN: Colonel Jones, would you explain to the committee just what the Jay treaty means. Ladies and gentlemen, Colonel Jones will explain it.

Mr. JONES: I will quote the article. The treaty of Amity, Commerce and Navigation between His Britannic Majesty and the United States of America, signed on November 19, 1794, and generally known as the Jay treaty, is not a treaty between Canada and the Indians, but a treaty between the United States and Great Britain.

Article 3 states:

No duty on entry shall ever be levied by either party on peltries brought by land, or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales or other large packages unusual among Indians shall not be considered as goods belonging bona fide to Indians.

I might mention the case with which these gentlemen are very familiar. It is the case of *Louis Francis v. Her Majesty the Queen*, 1956, where the Supreme Court of Canada found that article 3 of the Jay treaty and article 9 of the Treaty of Ghent are not applicable in this country since they have not been implemented or sanctioned by legislation. Decisions by the Supreme Court of Canada are final and conclusive, and article 3 of the Jay treaty does not apply.

Hon. MRS. FAIRCLOUGH: That is what they are asking for, that that section should apply.

Mr. JONES: That is what they are requesting, yes.

Mr. SMALL: You mean that at no time was it ratified by any government of Canada?

Mr. JONES: That is right.

Mr. BALDWIN: Prior to this Supreme Court decision, was it the fact that the Indians were able to act as if the treaty was in effect?

Hon. MRS. FAIRCLOUGH: No.

Mr. BALDWIN: It never has been?

Hon. MRS. FAIRCLOUGH: No.

Mr. HOWARD: In connection with that, I think some of the Indians acted under the assumption that the Jay treaty was in effect and did, in fact, pass back and forth. But Louis Francis happened to run foul of a customs officer, and that is how it got into court. But prior to that, I think this occurred quite a lot and no one bothered with it.

Mr. SMALL: Under British common law, if it has gone on for so long without interruption, it should become law. That is the practice, under British common law.

The VICE CHAIRMAN: Are there any further questions on this matter?

Mr. HOWARD: I just wondered, inasmuch as Mrs. Fairclough is here, whether she has any knowledge of whether—she may not be able to disclose this information, if it is something internal, within cabinet—any consideration has been given to legislative action in so far as the Jay treaty is concerned.

Hon. MRS. FAIRCLOUGH: No, that is the first time it has come up.

The JOINT CHAIRMAN (*Senator Gladstone*): As far as I know, one of our chiefs, or councillors, having been to Washington in 1930 or 1931, I think it

was, received a card which had this Jay treaty on it. He could cross the line anywhere, and all he had to do was show it. That was enough for any customs or immigration officer.

Mr. HARDIE: He had to show a card, did you say, Senator?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes, a card. That was on the strength of the Jay treaty. That was given to him in Washington, D.C.

Hon. MRS. FAIRCLOUGH: That would not necessarily have an effect on our customs officials, Senator. Strictly speaking, it might have absolved him from the payment of duty on anything he transported from Canada into the United States, but it would not necessarily have absolved him from the payment of duty on anything he brought from the United States into Canada.

I think it is just a case of common practice. I think the practice has grown up that, unless an Indian was obviously transporting goods which were for sale, but the goods were intended for his own use, they just let it go. That was pretty general, was it not?

Mr. SMALL: I think that what happened in these circumstances was that they were allowed to bring things in which were their own, personal effects. I think that was going on for years, until some smart person who was probably using the Indians asked them to bring in things that were contraband. Then that cut it out.

I know that at Niagara and other places they have been going over for years and have never been questioned. But where the practice has been violated was when somebody probably asked an Indian to bring over a refrigerator, or something like that—so they invoked the law to stop it. I think the Indians were used by people who should not have used them.

Chief OAKES: That is where there are a lot of dishonest people in the world. They make use of them.

Mr. SMALL: Not always among the Indians, either.

Mr. BALDWIN: There is no legal impediment to the Indians taking advantage of the customary provision of anybody making periodical trips into the United States and bringing back goods to a certain value?

Hon. MRS. FAIRCLOUGH: No.

The VICE CHAIRMAN: They have the same rights and privileges as any other Canadian citizen in that regard. As far as customs and excise regulations are concerned, they are privileged to bring over as much as anyone else.

Hon. MRS. FAIRCLOUGH: If they are there for 48 hours.

The VICE CHAIRMAN: Yes, if they are there for 48 hours, and subject to the rules and regulations of the Customs Act. Are there any more questions? Do you have anything to say, Mr. Benedict?

Mr. BENEDICT: May I give a little explanation? It is the feeling of those who have talked to me about coming here as a delegate that if a treaty is a promise and has not been kept, then the word of the Queen is suspect; and those people who have an interest in the welfare of the Indians in foreign countries would be very glad to hear that the promises that Her Sovereign Majesty, through her forebears, has made to the Indians have been kept.

This parliament, we have been told, has the power to restore this privilege, even though the executive and judicial bodies have not that power; and they do request that this provision, article 3, especially subsection (3), of the Jay treaty be re-affirmed by being written into law.

The VICE CHAIRMAN: Are there any further questions? Then we move on to No. 8, which deals with section 112.

Chief OAKES: No. 8, section 112: This section is unfavourable to the Indians and we request the removal of same from the act. Perhaps this could be read out here:

The minister may appoint a committee to inquire into and report upon the desirability of enfranchising within the meaning of this act an Indian or a band, whether or not the Indian or the band has applied for enfranchisement.

(2) A committee appointed under subsection (1) shall consist of

- (a) a judge or retired judge of a superior surrogate, district or county court,
- (b) an officer of the department, and
- (c) a member of the band to be appointed by the council of the band, but if no appointment is made by the council of the band within thirty days after a request therefor is sent by the minister to the band, a member of the band appointed by the minister.

(3) Where the committee or a majority thereof reports

- (a) in the case of an Indian, that in its opinion the Indian is qualified under paragraphs (a), (b) and (c) of subsection (1) of section 108 to be enfranchised,
- (b) in the case of a band, that in the opinion of the committee the band is capable of managing its own affairs as a municipality or part of a municipality, and the committee has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and
- (c) that it is desirable that the Indian or the band, as the case may be, should be enfranchised,

the report, if approved by the minister, shall be deemed to be an application for enfranchisement by the Indian or by the band and shall be dealt with as such in accordance with this act, except that, in the case of a band, the provisions of subsection (2) of section 111 are not applicable.

(4) An Indian or the members of a band shall not be enfranchised under this section contrary to the terms of any treaty, agreement or undertaking between a band and Her Majesty that is applicable.

Hon. Mrs. FAIRCLOUGH: May I say a word?

The VICE CHAIRMAN: Yes, certainly.

Hon. Mrs. FAIRCLOUGH: Last year when this committee sat, I told them I agreed that this section should be removed, or at least revised. I think you would agree with me that actually the section itself is all right, if we could take out the words in the first subsection, "whether or not the Indian or the band has applied for enfranchisement".

In other words, if you took those words out, then the only way this section would become operative would be if the application came from the Indian or the band. Those are the objectionable words. Whether just the removal of those words would cover the situation, or whether this whole section should be rewritten, is the problem; because this subsection is only one part of the whole enfranchisement section, and unless we have something in there which authorizes the appointment of a committee, you would have no committee to consider applications under any of the other sections.

I might have done this this year, but I am anxious that this committee consider this problem. One of the things I would like this committee to do is to make recommendations to me for either an outright removal, a revision, or

replacement of that section with one that will not have the objectionable features in it.

I may say that this section has never been used. There is no intention of ever using it—except to set up a committee to consider these other applications. Therefore, in so far as the department is concerned, that particular part is useless—whether or not the Indian, or the band, has applied for enfranchisement. I am anxious to have it removed or altered. I am asking this committee to make recommendations with regard to this section, No. 112, and I hope, when your report comes down, that you will make that recommendation this year, whether or not this committee has finished its work. I had thought that the revision of this would be a matter that might be put into a general revision of the act, but I think it is causing sufficient difficulty now that I would like to have it done even before the rest of the act. So, as far as that is concerned, I am quite in agreement.

The JOINT CHAIRMAN (*Senator Gladstone*): If I might explain my observations, from listening to people wherever I have gone.

The VICE CHAIRMAN: Would you proceed, senator.

The JOINT CHAIRMAN (*Senator Gladstone*): I think another point is that they are very suspicious of the committee, and they would much rather have the band to examine and recommend, or otherwise, what should be done, because some committees can be formed in a sort of underhand way, which may not give justice.

Mrs. FAIRCLOUGH: I think if the committee is composed, as they say here, of a judge, an officer of the department and a member of the band, that the chances of any skullduggery are rather slim.

The JOINT CHAIRMAN (*Senator Gladstone*): That is what they are afraid of.

Mrs. FAIRCLOUGH: However, this matter will be discussed in the committee, and I will leave it up to you to make your suggestions.

The VICE CHAIRMAN: If there are no further questions on this section, we will proceed to No. 9.

Chief OAKES: I will now read No. 9—annexation: does not section 88-1 apply to the annexation of reservation lands? City of Cornwall granted permission by Ontario municipal board to annex Cornwall island of the St. Regis Indian reservation. That has been a very disturbing factor too, on Cornwall island, especially residents of Cornwall island. The city of Cornwall, through their board of planners, have included Cornwall island as part of the township of Cornwall. They have never asked us, except only in form. I believe we got a letter here, and this explains it more. Do you want to read it? It will explain it more.

The VICE CHAIRMAN: Is it a fairly long letter?

Chief OAKES: It is only this part here.

The VICE CHAIRMAN: Perhaps, if you could summarize it.

Chief OAKES: It says right here:

I have for acknowledgement your letter dated March 20, 1956, received by the board on April 3, 1956, enclosing a petition consisting of three pages dated March 7, 1956, said to have been signed by a considerable number of the members of the St. Regis Indian reserve residing within the area to be annexed to the city of Cornwall by the decision of the board dated February 22, 1956.

I have given very careful consideration to the contents of the petition and the request that the reserved lands should be considered to be separate from the township of Cornwall and, therefore, excluded from the area to be annexed to the city. However, I venture to suggest

that the proposed annexation will not actually affect the rights and immunities of the members of your band and the residents on the reserve in any way notwithstanding the fears of your people. I do not know whether you have obtained competent legal advice on the matter either from your own solicitor or from the department of Indian affairs at Ottawa but it is quite clear that when the city's application for annexation of this portion of the district came on for public hearing before the board a little more than a year ago after very extensive notice to all property owners within the area affected as well as published notices in the local newspaper, no single member of the band or annexation before the board and no objection was made by or on behalf of the department of Indian affairs. The board, nevertheless, gave very careful consideration to the position of the reserve before making its decision and it is quite satisfied that the rights of the Indians will not be prejudiced in any way.

The VICE CHAIRMAN: That letter was from the Ontario municipal board, was it not?

Chief OAKES: It is from L. R. Cumming chairman of the Ontario municipal board. It is dated April 6, 1956.

The VICE CHAIRMAN: That is the one from which you just read?

Chief OAKES: Yes.

Mr. HARDIE: Could Colonel Jones explain what the Indian department did in this case?

Mr. JONES: We have been in correspondence recently with the department of municipal affairs outlining the embarrassment when an annexation takes place without anyone having the opportunity of appearing and presenting the view of the Indians. The Indians could do it themselves, or we could do it.

We have been assured that in the future they will endeavour to see that parties are notified well in advance.

As far as this annexation is concerned, we feel it does not affect the status of the Indian reserve on Cornwall island. It just changes the boundaries of a township into the boundaries of a city, and it does not affect the status of the reserve in any way. Many reserves in Canada are within the municipal boundaries of some municipality. We do not feel there is any cause for concern about the annexation of the Cornwall island portion of the Indian reserve.

Mr. MARTEL: Do you mean the island still belongs to the Indian reserve?

Mrs. FAIRCLOUGH: Yes.

Mr. MARTEL: But, if they build property, would they have to pay municipal taxes?

Mr. JONES: No.

Mr. MARTEL: They are still part of the reserve?

Mr. SMALL: It is still crown land.

Mr. JONES: It is still an Indian reserve, and no taxation can be levied. It was under the previous township, and it does not change taxation-wise because it comes under the city of Cornwall.

Mr. HOWARD: Mr. Chairman, I do not understand what an annexation is in Ontario. Could you explain what it means. To me it means to attach to.

Mrs. FAIRCLOUGH: Perhaps I should answer that question.

In the province of Ontario, many of these cities require extra land, for various reasons. It is a long story. Sometimes people within the town move out into the country, and start to demand services from the cities. It gets to the point where it is uneconomical for either one. Sometimes the instigation

comes from the Ontario municipal board, and sometimes from the council of the city or town concerned. An application is made to annex a certain area on the outskirts, in order to expand the limits of the city or town. Henceforth, the land within that boundary belongs to the municipality for taxation purposes, and they are required, in turn, to service it with all the usual municipal services.

However, where an annexation takes place, and a portion of the area annexed is an Indian reserve, it does not alter the position of the reserve lands or of the people who live on the reserve in any way whatsoever, because they are exempt.

Mr. HOWARD: I would not think it would have any effect on the reserve itself.

Mr. HENDERSON: What is the purpose of annexation then?

Mr. HOWARD: Chief Oakes was reading too quickly for me to grasp what he read. I understood him to make some reference to zoning, and so on, within the extended city of Cornwall.

Mrs. FAIRCLOUGH: It would not apply to the reserve.

Mr. HOWARD: Perhaps he read it too fast for me to grasp it. However, it would be my thought that it would have absolutely no effect on the reserve—none whatsoever, as far as taxes, building, people or anything else.

Mr. HENDERSON: What was the idea of annexing it?

Mrs. FAIRCLOUGH: I do not know what area they annexed, but probably the town would be in one spot, and they would draw a big circle around, like that, and it happened the Indian reserve was situated within the area. Otherwise, they would have the problem of drawing a line around, and they would come to a border here, go around there, and back around. I think it would be a simplification of description. I do not know how it was done in this particular case. Perhaps Mr. Bethune could tell us about that particular one.

Mr. W. C. BETHUNE (*Chief, Reserves and Trust Division, Indian Affairs Branch*): It did not seem to make sense to include the island of Cornwall. You could understand them including the territory which was not separated from the reserve by water. We do not know anything about this—only the order had been approved by the Ontario municipal board, by which time it was too late to make any representations. However, as stated, it does not affect the status of the reserve itself, nor does it limit or reduce the control over the reserve, which is now exercisable by the Indians.

Mrs. FAIRCLOUGH: You agree with the chief that this particular island should not have been included in the annexation?

Mr. BETHUNE: I think we would have expressed that opinion, if we had had an opportunity to do so.

Mrs. FAIRCLOUGH: But the Ontario municipal board did not give us the opportunity.

Mr. BETHUNE: That is right.

Mrs. FAIRCLOUGH: We have registered a protest though, with the province of Ontario.

Mr. HARDIE: Did not a portion of the letter which the chief read a moment ago mention that no Indians or persons on the reserve, or the officials of the department of Indian affairs had objected?

Chief OAKES: That was because they did not know about it.

Mr. HARDIE: That is the question I wanted answered. The people did not know about it?

Chief OAKES: Had we known about it, we would have brought the case up.

Mr. SMALL: No one was informed; they went ahead and did it.

Mrs. FAIRCLOUGH: We have since registered a protest. I believe—although I am not certain—that negotiations are still open.

Mr. JONES: I think it is a closed case now.

Mr. BETHUNE: It is a closed issue now unless they change the boundaries of the city by some other order, the action is complete.

The VICE CHAIRMAN: Did you have something to say, Mr. Henderson?

Mr. HENDERSON: Well, I think I have had my say. I still do not understand why they took these people in.

Mrs. FAIRCLOUGH: I know, none of us do.

Mr. BALDWIN: In order to satisfy the very valid and reasonable objection that has been made, could not the legal advisers of the department write a letter to this board to the effect that it is completely invalid and unconstitutional and, therefore, not binding. Surely a letter of that kind could be written, on the advice given by the legal advisers, and a copy sent to these people. I think a purpose would be served in doing that.

Mrs. FAIRCLOUGH: It has been protested. We did protest after we learned about it. We will register a further protest.

Mr. HENDERSON: That is better.

Mrs. FAIRCLOUGH: We will register a further protest with the minister of municipal affairs of Ontario, and with the premier of Ontario.

Mr. THOMAS: Can the minister tell us whether or not property rights in a reservation come under the ordinary term of property rights, which are subject to the jurisdiction of the province, or would such an area as this island, which is part of an Indian reserve, be crown land, which is not subject to the jurisdiction of the province?

Mrs. FAIRCLOUGH: That is correct.

Mr. SMALL: There are crown lands within the province as well. They are subsidiary, and there should be agreement on it.

Mrs. FAIRCLOUGH: You will find all that in section 88 of the Indian Act. That is true, generally speaking, but if someone draws a line around you, true enough, they have not any rights on your land, but they can say: your land is now in the city of Cornwall instead of in the county of Stormont—and that is practically what happened.

Chief OAKES: The reason I want people to become a little more clear about the situation is this. The municipality of Cornwall is exercising what they feel is their legal right. There has been police action, and so forth. I presumed we were always under the federal law and the mounted police, but there have been several practices carried on there—and that is why we were concerned about it.

We do not quite understand what annexation is. Well, I do, but there are various ways about understanding it. That is why we put it in, as we wanted to have a clear understanding of it.

Mr. JONES: I think, Mr. Chairman, the reason for this annexation, according to the municipal board, was to extend the boundaries of Cornwall, and take in the interprovincial and the United States Canadian border, to extend their boundaries to Quebec and to New York.

Mrs. FAIRCLOUGH: We can still protest against this.

Mr. JONES: Yes.

The VICE CHAIRMAN: Are there any further questions?

Mr. BENEDICT: Mr. Chairman, in commenting on this statement made by chief Oakes, I would give a personal recollection, that very soon within three

months after the ruling in the town by the Ontario municipal board, there were city police on the reserve making arrests—and I will not go into the merits of whether those Indians should have been arrested or not—but we did believe the city police did not have the right to exercise their jurisdiction on the reserve lands. And when I questioned the sergeant, who was in command of this expedition, he said he had received orders from higher up that the reserve was now part of the city of Cornwall, and he had a right to go anywhere within the city limits to enforce the laws, as they were given to him.

Mrs. FAIRCLOUGH: They had previously been under the provincial police.

Mr. BENEDICT: Yes.

The VICE CHAIRMAN: Are there any further questions, ladies and gentlemen? Does that complete the hearing?

Mr. BENEDICT: I would make a further request: if the committee finds that the city police have been making arrests on the Indian reservation, and if those Indians have been fined in the municipal courts of Cornwall, will this federal government require that city to return those fines, and the towing charges and so on for vehicles, back to the Indians who had been involved?

The VICE CHAIRMAN: There is a big "if" in there. Is there anything further?

Chief OAKES: I believe I have covered everything, Mr. Chairman.

The VICE CHAIRMAN: Gentlemen, we appreciate very much having you here. We have heard your brief and received your views in connection with it. I am sure the committee will study that brief very carefully and will try to do whatever they can to alleviate the troubles you have put forth.

The next meeting will be held in this room Wednesday, at 9.30 a.m. The Indian association of Alberta will be here at that time.

Mr. THOMAS: Will the letter referring to the annexation be included?

The VICE CHAIRMAN: Not the whole of it—just the part that was read in.

APPENDIX "C"

(Translation)

(Original text submitted in French will appear in No. 2 French Edition)

Dated at Betsiamites this twenty-fifth day of November, 1959.

MEMORANDUM

The Bersimis Indian Band Council would like to see the following sections of the Indian Act amended.

Section 80 Powers of the Council

Section 88 Property on reserve not subject to alienation

Section 93 Sale of intoxicants

Section 94 Possession of intoxicants off a reserve

Section 95 Amendments concerning the possession of intoxicants off a reserve

Section 96 Possession of intoxicants on a reserve

Section 96A Amendments to the possession of intoxicants on a reserve

Art. To be incorporated

Section 80

Powers of the Council

- (a) The Bersimis Council would like to see the powers of the Council increased, on the same basis as the powers of a municipal council in the Province of Quebec.
- (b) There should be a section under which the Council of a reserve could appeal to the Department in order to obtain the amendment of certain sections of the Indian Act, in so far as they apply to an individual reserve.
- (c) It has been found that there is nothing in the Indian Act covering the opening and closing hours of liquor stores; it is therefore suggested that a section be incorporated which would authorize the Band Council to make regulations in connection with the reserve's good administration.

Section 88

Property on reserve not subject to alienation

The Bersimis Council would like to see a clause added whereby a Council would have the power to seize an Indian's real assets in cases where Band funds have been borrowed, but are not being refunded although the Indian concerned is in a position to do so.

Sections 94, 95, 96 and 96A

Intoxicants

- (a) A Council Resolution dated November 4, 1958 was adopted in favour of an official request under the Indian Act, section 96A.
- (b) The Indian Affairs Department refused, claiming that the question concerned the Province of Quebec.
- (c) The request was sent to the Province of Quebec and the latter, without turning it down, said that it was a matter for the federal government.
- (d) The Bersimis Council officially requests that the liquor question in the province of Quebec be reconsidered in order to eliminate present conditions which leave the individual Indian without recourse.

- (e) The Bersimis Council believes that the sections concerning intoxicants should be abolished entirely and that the possession and sale of intoxicants should be controlled under the existing laws of each province, in order to remove discrimination against Indians.

At present the only difference between the white man and the Indian when it comes to obtaining intoxicants is that the latter has to pay much more, to the detriment of his family and his children.

If the present sections were removed, the question of intoxicants would be properly covered by the Province of Quebec legislation.

Bersimis Band Council Resolution November 4, 1958

THAT: The Bersimis Band Council wishes that Article 96A(2) of the Indian Act be applied to the Bersimis Reserve as per instructions of Article 96A(5) as far as the possession of Intoxicants on a reserve is concerned.

Original signed:

Paul Rock, Chief
Moïse Bacon
Bastien Hervieux
Jean Paul Rock
Alexandre Hervieux
Mathieu Labbé
Maleck Collard
Mrs. Bastien Hervieux

Betsiamites, P.Q.,
March 5, 1959.

Pierre Ouellet, Esq., M.P.,
Parliament Buildings,
Quebec, P.Q.

Dear Sir,

In other provinces of Canada the Indians have been granted permission to frequent grills and taverns in order to consume liquor.

The Bersimis Band Council requests your help in obtaining the same right for the Bersimis Indians.

As you are no doubt aware, the Bersimis Band has greatly developed and the liquor question poses a problem of discrimination which places the Indians in a difficult and intolerable position.

We would like to be placed on the same footing as our white fellow citizens by being allowed to conduct a referendum among the Indians of the Reserve to ascertain their opinion. Statistics show that the present situation is not what it was 200 years ago; in fact it would only be a question of legalizing present conditions.

We believe that our request should be taken into serious consideration in order that we might take another step forward and eliminate the inferiority complex caused by present conditions.

I sincerely hope that you will place the question before the proper authorities and shall be most grateful to you for whatever you can do for our people.

Yours sincerely,

Paul Rock, Chief
Bersimis Indian Reserve.

LEGISLATIVE ASSEMBLY

Province of Quebec

Quebec, March 10, 1959.

Paul Rock, Esq., Chief
Bersimis Indian Reserve
Bersimis,
Saguenay Co.,
P.Q.

Dear Mr. Rock,

In reply to yours of March 5, concerning the permission to enter grills and taverns in order to consume alcoholic beverages, I may say that under the Provincial Liquor Commission Act, nothing prevents you from doing so. On the other hand, the whole question comes under the jurisdiction of the Federal Government which is the only authority to determine what can be done in the circumstances.

Yours very truly,

Pierre Ouellet, M.L.A. Saguenay.

QUEBEC LIQUOR COMMISSION

Edouard Rivard, Esq., Q.C.,
General Manager
H. P. Hould, Esq.,
Assistant Manager

Quebec, April 21, 1959.

Philippe Leclerc, Esq., Manager,
Baie Comeau Community Association,
Baie Comeau, P.Q.

My dear Phil,

I acknowledge receipt of your letter of the 14th instant concerning the sale of alcoholic beverages to the Indians.

There is no mention of this, I believe, in the Liquor Act but it has always been considered that under the Indian Act, the sale of alcoholic beverages to these people constitutes a criminal offence.

The amendments of which you have sent me copies do not, to my mind, justify such sale because, to my knowledge, there has been no ruling to that effect issued by the Lieutenant-Governor-in-Council of the Province, followed by a proclamation by the Governor General in Council.

As any violation of this kind would call for legal procedures by the federal government, I think you should acquaint yourself thoroughly with the Indian Act, especially sections 93 and following, in order to adopt the proper attitude.

Yours truly,

H. P. Hould,
Assistant General Manager.

Baie Comeau, P.Q.,
April 24, 1959.

Paul Rock, Esq., Chief
Bersimis Indian Reserve
Betsiamites, P.Q.

Dear M. Rock,

Further to the correspondence exchanged over the sale of beer to Indians, I am sending you herewith copy of a letter received yesterday from the Assistant General Manager of the Province of Quebec Liquor Commission.

The letter is quite clear and, in the circumstances as it is not in our power to change the laws or to ask the Governor-General of Canada and the Lieutenant Governor of the Province to issue proclamations annulling such and such a clause of the Act or its amendments, we have no other choice than to abide by the letter and the spirit of the legislation on this question.

We therefore regret to advise you that in our taverns and beer store we cannot and shall not, until further instruction, sell beer to the Indians of your Reserve or of any other Reserve.

You will no doubt agree that our point of view is justified, namely, that we cannot violate the federal law.

Yours truly,

Baie Comeau Community Association
(Signed) Phil Leclerc, Manager,
"Aux Amis" and "Au Rend-vous" Taverns.

Copy to Mr. Sylvestre, Indian Agent
Constable d'Astous, R.C.M.P.

APPENDIX "C2"

TRANSLATION

(Original text submitted in French will appear in No. 2 French Edition)

INDIAN BAND COUNCIL

Pointe Bleue, December 19, 1959

E. W. Innes, Esq.,
Committee Clerk,
Committees and Private Bills Division,
House of Commons, Ottawa, Canada.

Dear Sir,

The members of the Pointe Bleue Indian Band Council met twice to discuss the changes and improvements they would like to suggest to the National Commission on Canadian Indians. The following are some of the points we submit for your attention.

We would like to see section 12, sub-section B of paragraph 1 amended in such a way that an Indian woman who marries a non-Indian be not required to sign her emancipation and that her name be removed from the band list temporarily only. In the case of the decease of her non-Indian husband, she would still belong to the Band with her children and enjoy the same advantages as before her marriage. Physiologically speaking, such a woman will always, by blood, remain an Indian and the offspring of her marriage will have Indian blood in their veins.

Concerning section 87 we suggest that the federal and provincial tax laws be amended.

As an Indian who works on the Reserve is exempt from provincial and federal tax, why should not this act apply to all Indians who have to go and find work outside? As there is not enough work on the Reserve to go around, it would seem fair to us that all Indians be exempt from the tax and enjoy the same privilege.

The following point is submitted to your attention: Some pulpwood and lumber companies have toll-gates on the roads leading to their timber operations. As the Reserve Indians have to pass on these roads to reach their hunting grounds, would it not be possible to enact a law allowing free passage through these toll-gates to Indians who are going to the hunting grounds to find their livelihood.

We would like the Indians to be given greater freedom in hunting for moose, partridge, duck and even for fishing. Of course there is no question of their being allowed to make a business of it but, in a great many case, they have no other means of livelihood. If the Hunting and Fishing Department requires some control, the Reserve Superintendent could issue permits to those who need them.

We would like the liquor law to be applied as strictly as formerly because we believe that a people's education is not achieved by learning to drink but rather by learning to abstain. We would like to see a closer supervision on our Reserve in order to prevent the abuse of alcoholic beverages and the ensuing disturbances.

We submit the above suggestions for the improvement of the Act in the hope that they will be taken into consideration.

Yours very truly,

The members of the Pointe Bleue
Indian Band Council
by Madame Gérard Courtois
Secretary.

APPENDIX "C3"

(Temiskaming Indian Reserve)
 at
 (Notre Dame du Nord, Quebec)
 in
 (the Province of Quebec)

On this 29th day of August of the Year 1959, in and for the Temiskaming Indian Reserve,

I, George F. Polson, Band Member, No. 140, in my Private Office of Secretary of The Temiskaming Indian Band and Council, have been granted by the Chief and Councillors of this Reserve the Power to Execute this Brief, in which I will Expose the Problems that has been, and still is, a Hindrance to the Progress of the Indians of this Reserve.

However, along about this time, I would like to point out to you, and you will probably notice, that I bring all those about to be mentioned Problems, to bear Heavily Towards the Heading,

(Progress of the Indians)

I do this so as to be of some Assistance to the Scrutineer of this Particular Brief, and I am sure it will be found that the Solving of those Problems would be the Biggest Contribution ever made towards the Administration, the Social Welfare, the Economic Development, and the much wanted Freedom of the Indians on this Temiskaming Reserve.

(Under Hearing, Treaty-Rights)
 (Brief as Follows)

(Administration)—Police,

Some two years ago, a Resolution was passed by this Council asking for Traffic-Control Lights on both the East and the West Entrance to the Reserve Village, as a means of keeping Motorists from speeding through the Reserve, which has in the past years resulted in taking the Lives of some Indians as well as caused others to be Crippled, somehow this Resolution had been forgotten, because to this date there has been no move made towards the Installation of these Lights, or even words of Approval.

Furthermore,

On June the 22nd, 1959, there was another Resolution passed by this Council requesting the Appointment of an Indian Constable to Maintain Law and Order, to Check on Trespassing, to Act as Truant Officer, and to care for Speeding, which would come into Force upon the Making of By-Laws and having them approved by the Minister

(Again this was Over-Looked)
 (Forward)

(Administration), carried Forward,

We have here in our Midst, an Indian Veteran, whom we feel could take on the Responsibilities of Constable, and who has had the Honoured Approval of the R.C.M.P. Now at this point it must be understood that notwithstanding the good Co-operation of the R.C.M.P. a Constable is needed on this Reserve because the R.C.M.P. are stationed some sixty-five miles from here. This must be Considered a very Important Step towards the Progress of the Indians.

Social Welfare, (Housing)

There has been over the past years, houses built for the Indians on this Reserve, and they were greatly appreciated, but there are still some Indians who wish to improve their homes, such as, Repair, Remodel, or to Modernize their present homes, this might be taken care of in the Form of a loan to Install much needed Hydro, and could be Repaid over a period of time.

Repairs and Remodelling could be taken care of in the same manner.

Hydro in the home of an Indian Mother who may have four or Five children to wash for, to iron for, and to cook for would find this to be about the best ever in the History of the Indian.

(Consider this another big Step towards the Welfare and the Progress of the Indian)

Economic Development, (Forward) (Agriculture, (S))

Farming could be encouraged considerably on this Reserve as there are some very nice Farms that could be Developed to an extent where the owner might even consider himself a small Millionaire.

This could be, if Special Funds were Obtainable, a wonderful Contribution towards the Progress of the Indians of this Reserve.

Not to mention the Security and the Future of the young boys who may take the Farm Life very Seriously upon the Completing of their Schooling in the Lower Grades,

But, I must mention that from this Reserve, we have boys who are attending High School.

And would not be interested in Farming, we speak for the ones who may choose this field instead of the Professional,

(Forward)

Economic Development, Carried Forward. Loans, (Business)

We have on this Reserve, a number of Indians who, in the past have tried to break down the Invisible Barrier that an Indian must encounter to try to become a Business Man or Woman.

True, it may seem impossible to many, but on the other hand all we lack is a Chinaman's Chance, just a Leg to stand on and this would call for Financial Backing.

On this Reserve, we have no store, no Restaurant, no Garages or body-shop, no Barber Shop, no Taxi Stand, no trucking or no Building Contracting.

But let me tell you this, on this Reserve we have Indians who are quite capable of Managing a Store, or a Restaurant, we have good Mechanic's, good Body-men, a number of Barbers, good men for the Taxi Business and the Trucking, and we have real good Carpenters who would Contract any time.

But we Live in Quebec, who wants to Hire an Indian, What we want is to hear those Words,

"Financial Backing Available To Indians Who Are Capable Of Handling A Business Of Their Own"

The present Form of Government States and "Quote" "We will Develop Canada" Yes, we Appreciate that, but lets Develope this Reserve too, it sure needs it.

(Again we Contribute to the Progress of the Indian)

Now, we have another Problem.

Treaty-Rights, (Trapping and Fishing)

"On this Reserve the Indians have lost their Right to Trap and Fish without a Licence. Trapping Grounds must be paid for, and to get a Moose or Deer for our own use we must again have a Licence.

Now this should not Happen, It appears that somewhere down the line some-one has Crossed-Wires and BLEW this PART of the Indian Act SKY-HIGH.

So, would you Permit me to Quote my History Correctly,

"Back in the year 1670, during the Reign of CHARLES II, it was stated that Indians who placed themselves under British Rule would be well received and Protected,

This went on till the year 1775, then Sir William Johnston became the first Indian Superintendent in the State we now call New York, then the Indian Office was moved to Canada and Indian Interests then became the Responsibility of the Imperial Government until 1860 the Commissioner of Crown Lands became Chief Superintendent of Indian Affairs.

In 1867 Indian Affairs became the Responsibility of the Canadian Government, until Confederation changed this Set-up, then the Department of the Secretary of State became Responsible, In 1873 Indian Affairs became a Branch of the Department of the Interior.

From 1880 until 1936 Indian Affairs was a separate Department and from 1936 up until 1950 Indian Affairs this time became a Branch of the Department of Mines and Resources.

Now, since 1950, we are under the Department of Citizenship and Immigration.

Yes, one must admit, that a lot has been accomplished by those movements, and from out of those same Movements there has Materialized a very Colorful History that Pays Great Tribute to our Administrators of the Past as well as to those of the Present.

We, Indians are well aware of the Fact that the Tribute paid our Administrators is certainly Due them, and we are also well aware of the Fact that we have Lost our most Precious Rights,

And thats to Trap and Fish, and have Fresh Wild Meat, in or off the Reserve, in or out of Season, and to have a Ground Free of Charge and to trap Licence Free.

This is needed very bad, and I'm inclined to believe that we are still under British Rule and Protection.

(Consider this Important)

Now, Indian-Act, (Liquor-Traffic)

Yes, it would be a wonderful thing if an Indian could walk into a Beverage-Room and have a Sociable Beer or Two with some Friend instead of going to an Un-Licensed Seller, then look for a dark alley or some old Building where bottle after bottle of this real cheap wine may be drank.

This is very ridiculous, why should the Indian have to hide to have a drink, when he is Actually the True Canadian. Maybe he is a shade or two Darker than the White-Man, but his Dollar is the same Color and in fact, it has the same Value.

It's a proven Fact, that more Indians can hold their Drinks within means than most Whites, sure, some Indians may indulge, but the White Man does the Same. The Constable of the Reserve could take care of this very easily.

Call this an Inferiority Complex if you like, but the Indian thinks it's his Color, that may be true.

But would you Say that a Black-Chevrolet-1959 Model should not be Parked near a White Chevy-1959 and that it is no good just because it happens to be Black, this is happening to the Indian right Now.

(We would Appreciate those Liquor Rights)

We Live in Quebec, can anything be done about this.

You will notice that I mentioned at the beginning of this Brief that I would bring all Problems to Bear Heavily towards the Heading,

(Progress of The Indian)

Now, I would like to State Clearly that I would certainly not wish to have Liquor-Rights come under the Heading,

(Progress)

And it should be clear to all that it would not be the beginning of their Downfall.

I bring this Subject into my brief for this reason,

Rights or no Rights, the Indian drinks anyhow and in doing so he becomes Liquor-Law Violater and usually ends up in the (JUG) or a Fine is slapped on him so fast he does not even realize he has a HANGOVER.

Now, what do we have, an Indian who knows he is Hated, Children who may be short of a few meals, and all this happened because Dad felt he earned a Sociable Drink (around the corner of course) and it could have been so In-Expensive if he were allowed to have Beverage Room Rights.

It's quite possible a couple of dollars would have Financed this sociable drink instead of ten or fifteen dollars.

Does the white man experience this?

No, my Friends of Parliament, this is not True Democracy in any Form, or from any Angle.

I, the writer of this Brief, tho I may be only an Indian, and you may Correct me if I'm wrong I say this,

To me Democracy Means,

"The people of a Country, or Countries, or Continent united as a Body"

This means all People.

Now, tell me, do we see the Indian in this Group?

Do we see the Quebec Indian in there anywhere?

Lets get Him to mean something to Canada too and lets get Canada to realize he is Human too.

This Brief Executed by,

George F. Polson,

Secretary of the Temiskaming Indian Band and Council.

For/

Chief, Wilfred McBride

Councillors,

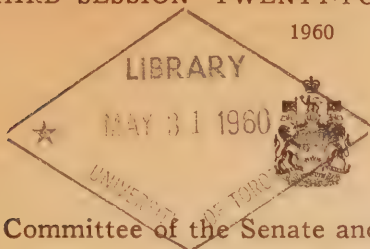
Richard Polson

Edward Polson

Lawrence Polson

THIRD SESSION—TWENTY-FOURTH PARLIAMENT

1960



Joint Committee of the Senate and the House of Commons
on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone
and
Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

WEDNESDAY, MAY 11, 1960

THURSDAY, MAY 12, 1960

FRIDAY, MAY 13, 1960

WITNESSES:

From the Indian Association of Alberta: Councillor Howard Beebe, President; Chief Johnnie Samson, Northern Representative and Mrs. J. C. Gorman, B.A., L.L.B., Legal Advisor.

From Blood Indian Reserve Protestant Group: Mr. Gerald Tail Feathers, Delegate.

From the Department of Citizenship and Immigration: Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of Indian Affairs; Mr. R. F. Davy, Chief, Education Division; and Mr. R. F. Battle, Chief, Economic Development Division.

From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone,
Joint Chairman,
Hon. W. A. Boucher,
Hon. D. A. Croll,
Hon. V. Dupuis,
Hon. M. M. Fergusson,
Hon. R. B. Horner,

Hon. F. E. Inman,
Hon. J. J. MacDonald,
Hon. L. Methot,
Hon. S. J. Smith (*Kamloops*),
Hon. J. W. Stambaugh,
Hon. G. S. White—12.

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,
Mr. H. Badanai,
Mr. G. W. Baldwin,
Mr. M. E. Barrington,
Mr. A. Cadieu,
Mr. J. A. Charlton,
Mr. G. K. Fraser,
Mr. D. R. Gundlock,
Mr. M. A. Hardie,
Mr. W. C. Henderson,
Mr. F. Howard,
Mr. W. H. Jorgenson,
Mr. S. J. Korchinski,

Mr. R. Leduc,
Mr. J. C. MacRae,
Mr. J. J. Martel,
Mr. H. C. McQuillan,
Mr. H. J. Michaud,
Mr. R. Muir, (*Cape Breton North
and Victoria*),
Hon. J. W. Pickersgill,
Mr. A. E. Robinson,
Mr. R. H. Small,
Mr. E. Stefanson,
Mr. W. H. A. Thomas—24.

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, May 11, 1960.

(6)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairmen, Hon. Senator Gladstone and Mr. Noel Dorion, presided.

Present:

The Senate: Honourable Senators Boucher, Gladstone, Inman, MacDonald, Smith (Kamloops).

The House of Commons: Messrs. Badanai, Barrington, Charlton, Dorion, Fraser, Henderson, Howard, Jorgenson, MacRae, McQuillan, Muir (Cape Breton North and Victoria), Small and Stefanson.

In attendance: From the Indian Association of Alberta: Councillor Howard Beebe, President of Alberta Indian Association, Blood Indian Reserve, Cardston, (Official Delegate); Chief Johnnie Samson, Northern Representative of Indian Association of Alberta, Samson Band, Hobbema, Alberta, (Official Delegate); and Mrs. J. C. Gorman, B.A., L.L.B., Legal Advisor to Indian Association of Alberta. *From the Department of Citizenship and Immigration:* Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

*Agreed,—*That briefs received from Indian bands, Indian organizations and other organizations and groups, who have not asked to be heard, since the prorogation of last Session, be printed as part of the Minutes of Proceedings and Evidence as appendices.

The Chairman called on Mr. Speakman, M.P., who is not a member of the Committee, who in turn introduced Messrs. Beebe and Samson and Mrs. Gorman.

*Agreed,—*That the submission and appendix to submission of Indian Association of Alberta be taken as read and included in this day's evidence.

The Chairmen then called Mrs. Gorman, Legal Advisor to the Association, and she made an extensive statement in which she reviewed the history of government policy and legislation as related to Indian affairs, suggested recommendations for changes and reviewed a number of resolutions on treaty rights.

The Minister referred the witness to a statement she made to the Committee last week recommending that the Committee study Section 112 (enfranchisement) of the Indian Act with a view to removing the compulsory nature of this section.

At 11.00 a.m. the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(7)

The Committee resumed at 4 p.m., the Joint Chairman, Senator Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Gladstone, Inman, MacDonald, and Stambaugh.

The House of Commons: Messrs. Baldwin, Charlton, Jorgenson, MacRae, McQuillan, Muir (*Cape Breton North and Victoria*), Small, and Stefanson.

In attendance: Same as at morning sitting except the Minister.

Mrs. Gorman continued her presentation on resolutions concerning treaty rights, assisted by Messrs. Samson and Beebe, and was questioned on each resolution individually.

Mr. Jones, Director of the Indian Affairs Branch, supplied information to the Committee on a number of related matters.

Mrs. Gorman then proceeded with her statement on resolutions dealing with self-government. She tabled two copies of the Indian Act with annotations (*Identified as Exhibit No. 1*).

At 5.45 p.m., the Committee adjourned until 9.30 a.m. Thursday, May 12, 1960.

THURSDAY, May 12, 1960.

(8)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and Vice-Chairman, Mr. Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, MacDonald, Smith (*Kamloops*), and Stambaugh.

The House of Commons: Messrs. Badanai, Charlton, Gundlock, Henderson, Howard, MacRae, McQuillan, Small, Stefanson.

In attendance: From the *Indian Association of Alberta*: Councillor Howard Beebe, President of Alberta Indian Association, Blood Indian Reserve, Cardston, (Official Delegate); Chief Johnnie Samson, Northern Representative of Indian Association of Alberta, Samson Band, Hobbema, Alberta, (Official Delegate); and Mrs. J. C. Gorman, B.A., L.L.B., Legal Advisor to Indian Association of Alberta. From the *Department of Citizenship and Immigration*: Mr. H. M. Jones, Director of Indian Affairs Branch; Mr. C. I. Fairholm, Executive Assistant to the Director; and Mr. R. F. Davy, Chief Education Division. From the *Department of National Health and Welfare*: Dr. P. E. Moore, Director, Indian and Northern Health Services.

Mrs. Gorman, legal advisor to the Alberta Indian Association, tabled the following documents:

1. Two copies of article entitled "The Buckskin Curtain", by Maurice C. Shumiatcher, Q.C., reprinted from *The Beaver Magazine* (*Identified as Exhibit No. "2"*.)

2. Petition containing signatures of 572 Indians who endorsed the brief of the Alberta Indian Association. (*Identified as Exhibit No. "3".*)

3. Two scrap books entitled "Living Conditions and Welfare" and "Dissatisfaction with Indian Enfranchisement". (*Identified as Exhibit No. "4".*)

Mrs. Gorman continued her presentation on resolutions dealing with self-government, education and health, assisted by Messrs. Beebe and Samson, and was questioned on each resolution individually.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on a number of related points, assisted by Mr. Davy.

Mr. Jones tabled a chart entitled "Post-Elementary Enrolment 1955-56 to 1959-60—Five Years". (*Identified as Exhibit No. "5".*)

Dr. Moore, Director of Indian and Northern Health Services, made a statement relating to the resolutions dealing with the health of Indians.

At 11.50 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(9)

The Committee resumed at 3.30 p.m., the Joint Chairman, Senator Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, and MacDonald;

The House of Commons: Messrs. Baldwin, Barrington, Charlton, Gundlock, Henderson, Jorgenson, MacRae, McQuillan, Small, and Stefanson.

In attendance: (Same as at morning sitting.)

Mr. Jones, Director of the Indian Affairs Branch, supplied answers to questions asked at the morning sitting dealing with education.

Dr. Moore, Director of Indian and Northern Health Services, completed his statement in connection with the health of Indians and together with Mr. Jones, supplied information on various questions during the discussion of the individual resolutions pertaining to health.

At 4.50 p.m., the division bells rang and the Committee recessed to permit Committee members to attend a vote in the House of Commons.

At 5.30 p.m., the Committee resumed.

Mrs. Gorman continued her presentation on resolutions dealing with welfare.

At 5.55 p.m., the Committee adjourned until 9.30 a.m. Friday, May 13.

FRIDAY, May 13, 1960.

(10)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone, and Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, MacDonald, and Smith (*Kamloops*);

The House of Commons: Messrs. Charlton, Gundlock, Henderson, Howard, MacRae, McQuillan, Muir (*Cape Breton North and Victoria*), Stefanson, and Thomas.

In attendance: From the Indian Association of Alberta: Councillor Howard Beebe, President of Alberta Indian Association, Blood Indian Reserve, Cardston, (Official Delegate); Chief Johnnie Samson, Northern Representative of Indian Association of Alberta, Samson Band, Hobbema, Alberta, (Official Delegate); and Mrs. J. C. Gorman, B.A., LL.B., Legal Advisor to Indian Association of Alberta. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch; Mr. C. I. Fairholm, Executive Assistant to the Director; Mr. R. F. Battle, Chief, Economic Development Division.

Mrs. Gorman, legal advisor to the Alberta Indian Association, continued her statement on the resolutions dealing with welfare and employment of Indians, assisted by Messrs. Beebe and Samson.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on related points, assisted by Mr. R. F. Battle.

At 11.00 a.m., the Committee adjourned until 2.00 p.m. this day.

AFTERNOON SITTING

(11)

The Committee resumed at 2 p.m., the Joint Chairman, Senator Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, MacDonald;

The House of Commons: Messrs. Badanai, Baldwin, Barrington, Charlton, Gundlock, Henderson, MacRae, Muir (*Cape Breton North and Victoria*), Stefanson, and Thomas.

In attendance: (Same as at morning sitting.)

Mrs. Gorman completed her statement on resolutions of the Alberta Indian Association's brief dealing with employment, hunting, trapping and fishing, and was assisted by Messrs. Beebe and Samson.

The Vice-Chairman thanked the witnesses for their submission and assured them that the Committee will give every consideration to their resolutions. The witnesses in turn thanked the Committee for the attention given to their problems.

The Clerk read a telegram from the Edmonton Friends of the Indian Society advising that they supported the Indian Association of Alberta's submission concerning hostels.

The Vice-Chairman then introduced Mr. Gerald Tail Feathers who read a brief on behalf of the Protestant Group, Blood Indian Reserve, dealing with education and enfranchisement, and was questioned thereon.

Questioning being concluded, the Vice-Chairman thanked Mr. Tail Feathers for his brief.

At 3.45 p.m., the Committee adjourned until 9.30 a.m. Wednesday, May 18.

M. Slack,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, May 11, 1960.

The JOINT CHAIRMAN (*Mr. Dorion*): Ladies and gentlemen, we have a quorum. If there is no objection on the part of the members of the committee, I would ask Mr. Speakman to introduce our visitors this morning.

However, before that, with respect to the printing of briefs, I believe that it would be a good way of proceeding to have a general resolution concerning that subject; and it is recommended that briefs received from Indian bands, Indian organizations and other groups who have not asked to be heard since the prorogation of the last session be printed as part of the minutes of proceedings and evidence, as appendices. Is that agreed?

Agreed.

The JOINT CHAIRMAN (*Mr. Dorion*): The briefs could be grouped and fitted for printing as circumstances permit under that general authorization, and authorization would not have to be sought at each sitting.

I suppose there is no objection to Mr. Speakman introducing our visitors, and I would therefore ask him to introduce them this morning.

Mr. SPEAKMAN: Mr. Chairman, honourable members of the committee, I stand here this morning with a good deal of pride to introduce this delegation.

I would like to introduce, first of all, Mr. Howard Beebe, from the Blood Indian reserve at Cardston, Alberta; and he is President of the Indian association of Alberta.

Next I would like to introduce Chief Johnnie Samson of the Samson band at Hobbema, Alberta, my friend and neighbour.

I would also like to introduce Mrs. Gorman, who has been legal counsel for the local association of Alberta, voluntarily, for a number of years; and I think, perhaps, some of you may have heard of Mrs. Gorman in the past. As I said, she has worked for the Indian association voluntarily ever since she associated herself with them.

I would also like to call attention to some literature which is placed on the end of the first table, which Mrs. Gorman brought down and which I think members of the committee would find of interest.

The JOINT CHAIRMAN (*Mr. Dorion*): I suppose every member of the committee has received a copy of the briefs, and now I would ask Mrs. Gorman to speak. I understand it is not her intention to read all of the briefs, but I suppose that it would be a good idea to summarize each brief, Mrs. Gorman, and to draw our attention to the main chapters.

Is it agreed that this brief be put on record as read?

Agreed.

The JOINT CHAIRMAN (*Mr. Dorion*): And the same thing with regards to the appendix?

Agreed.

The brief and appendix read as follows:

PREAMBLE

The Indian Association of Alberta is happy and thankful that a Joint Committee has been appointed to study Indian Affairs, and that this Association has been privileged to submit a Brief. It is with great humility and yet with

complete sincerity that we have set out to summarize the feelings of our members and interested non-members with respect to the various matters which affect our lives and will affect our children in years to come.

We beg you to consider our Brief as a wholly constructive and honest attempt to lay our problems and our hopes before you. We live within the shadow of the Indian Act and our whole lives will be affected by the decisions made by your Committee.

The Indian Association of Alberta was organized on a province-wide basis in 1944 and is the only such organization in this province. All members are treaty Indians and we have representatives from almost every language group, every agency and every religious group, with annual membership ranging from an estimated 1,200 to 1,500 persons. In many cases, a membership is held by the head of the family only, while in other cases, persons have been too poor or too remote to join. Therefore, the total number of Indians actually represented by our Association cannot be easily determined. However, we wish to speak only for those who are members of the Association or those who have attended our meetings.

Most of the resolutions contained in this Brief were passed at a special general meeting of the Association held at Hobbema Agency, Nov. 20-21, 1959, while the remainder were passed by a committee appointed at that time to deal with the unfinished business. Most of these resolutions were also passed at previous general meetings of the Association held during the past sixteen years.

Prior to the special meeting, five regional meetings were held on reserves at strategic points in Alberta, with a large number of members and non-members being present in each case. In addition, the chiefs and the councillors from the major reserves were also in attendance. These meetings lasted at least one day and were usually attended by the superintendents and missionaries of the agencies. Delegates were elected at these meetings to attend the special meeting at Hobbema and consider the resolutions to be included in this Brief. These delegates travelled an estimated 22,000 miles at their own expense to attend the special meeting and interpreters were used to explain the resolutions to them.

The committee elected to study and prepare the Brief consisted of the following: Howard Beebe, President, Bloods; Peter Burnstick, Pauls band; Albert Lightning, Hobbema; Mrs. Nora Matchatis, Cold Lake; John Samson, Hobbema; and Ralph Steinhauer, Saddle Lake. In addition, we invited Senator James Gladstone as observer, and as non-Indian advisers, Mrs. John Gorman and Hugh A. Dempsey, Calgary.

We wish to express our appreciation to Mr. R. F. Battle, Regional Supervisor of Indian Agencies, for his assistance in providing information, and to other officials and citizens for their advice and good will.

The Indian Association of Alberta.

HISTORY

Statistics: There are 18,525 treaty Indians in Alberta, with four on the General List and another hundred who have not yet signed any treaty. They speak seven different languages—Blackfoot, Cree, Sarcee, Stony, Chipewyan, Beaver and Slavey—and live on ninety reserves which total 1,543,867 acres. These range from a few acres in size to 349,208 acres in the Blood Reserve.

Our people are from three different environments, the plains, the bush and the foothills. This means that there are great differences in our social and cultural backgrounds which have a definite bearing on our present lives. The people of the plains were primarily buffalo hunters who lived in large camps

and maintained strong tribal unity. The people of the bush usually stayed in small family groups and lived by fishing and by hunting the animals of the forest. Their life was governed more by the family group than the large tribal organization. The people of the foothills were a balance between the other two groups.

Ours was a primitive life before the influence of the white man. Our wants were few and such tragic diseases as smallpox, measles and tuberculosis were unknown to us. Then, when the first white men came among us during the late 1700's, the gradual change in our lives began. We received metal tools and utensils, guns, horses and other things which made our lives easier. But with the good there also came the evil influences of "civilization"—disease, liquor and other things which were unknown to us.

The fur trading companies—North West and Hudson's Bay Companies—became well established in central and northern Alberta by 1800 and the people of the bush and foothills soon became dependent upon them. They turned to trapping and hunting to obtain furs and pelts to exchange for the white man's goods. The people of the plains were also influenced, although not to the same degree, and sold buffalo robes and pemmican to the white traders.

The first missionaries came among our people in the 1840's. The first was a Methodist in 1840, followed by an Oblate in 1842 and the Anglicans in the 1870's. The main missionaries among us today are from these three denominations—The United Church, Roman Catholic and Anglican.

For many years, the only influence of the white man was through the fur traders and the missionaries. While there were some definite economic effects upon our lives, our social and cultural patterns were practically undisturbed.

In 1870, Western Canada—then called Rupertsland—was transferred from British control through the Hudson's Bay Company to the Dominion of Canada. The sum of \$1,350,000 or £300,000 was paid for this whole territory. It appears to us that this small amount was a token payment to a company which only occupied the territory, and that the Government realized it would have to obtain a release from its real owners, the Indians. This was later confirmed when the various treaties were negotiated.

In 1874, the North-West Mounted Police came west and built posts at Fort Macleod in the south and Fort Saskatchewan in the north. These were the first government men that we met. We found them to be honorable and sympathetic to our people, and upon their performances we placed our trust and our faith in your Government.

Therefore, when the Government wished to open the land for white settlement, commissioners were sent to us with Treaty No. Six in 1876 and Treaty No. Seven in 1877. So we placed our faith in the government and signed, surrendering 120,000 square miles (of which about half was in Alberta) in Treaty Six and 50,000 square miles in Treaty Seven.

At the latter treaty, Chief Red Crow echoed everyone's sentiments when he said: "Three years ago when the Mounted Police came to my country, I met and shook hands with Col. Macleod at the Belly River. Since that time he has made me many promises and has kept them all—not one of them has been broken. Everything that the Mounted Police have done has been for our good. I trust Col. Macleod and will leave everything to him."

It was upon this foundation that the whole relationship between the Canadian Government and the Indians of Alberta began—one of complete trust on the part of our people. When treaty commissioner David Laird said: "The Great Spirit has made the white men and the red men brothers, and we should take each other by the hand," he was believed. To our people, it meant that the white man and the Indian would stand together and share the benefits of this land.

The buffalo herds disappeared from the prairies in 1881 and the people of Treaties Six and Seven settled upon their reserves. Those who lived far to the north were not affected by these changes, and their agreement, Treaty No. Eight, was not made with the government until 1899. In this treaty they surrendered the whole northern half of Alberta.

Within three or four years of signing the southern treaties, many hundreds of our people began to die from starvation, sickness and hardship. But we realized the great burden which had been thrust upon the government by the sudden disappearance of our natural food supply and we were patient. During the tragic Riel Rebellion of 1885, our people in Alberta remained faithful to the Queen and the treaties.

In those early years on our reserves, the government did much to encourage self-initiative among us. They wanted us to become self-sufficient and their programs seemed to be aimed in that direction. As early as 1881, Sir John A. Macdonald said: "There is no doubt that the proper sentiment to inculcate among Indians is one of self-reliance."

Again in 1889, the Superintendent General of Indian Affairs reflected the thinking of fostering equality when he spoke of "the endeavors made from year to year to elevate the red man and place him on a social and intellectual level with his white brother."

The results of these programs were soon evident. Indians who had been hunters became farmers and ranchers to a degree that showed the desire of our people to stand on their own feet. Others went into business for themselves. For example, Black Horses, a Blood Indian, operated his own coal mine during the 1890's. He employed Indians as miners, draymen and in other occupations surrounding his enterprise. At the same time, another Blood named Chief Moon was in the hay contracting business, competing with white men for contracts with the Mounted Police and ranchers in the area. Then, such men as Big Swan, a Peigan, and Coyote, a Cree from Hobbema, operated stopping houses on the main transportation trails, and at Saddle Lake, Chief Seenum had his own "soup kitchen" for looking after their welfare cases. In short, these people had the initiative and desire to build a new life for themselves, and government policy seemed to encourage it.

But a gradual change in the government's attitude became obvious after the turn of the century. It seemed more anxious to stifle initiative than to encourage it. Rigid controls over marketing and production on the reserves were enforced and the goal of self-reliance seemed to be replaced with one of subservience. Instead of being partners with the government, we were considered to be their wards. An indication of this feeling was given by the Deputy Superintendent General of Indian Affairs in 1903 when he commented that "it is necessary to exercise great caution relative to releasing Indians from the restraints imposed by the provisions of the Indian Act."

With the government's change in goal, there also seemed to come a neglect of its treaty responsibilities. No longer were the reserves considered to be lands given to our people forever in a solemn pact. This was evident in a statement by the Deputy Superintendent General in 1908 as he heralded the first great betrayal of the Indians of western Canada.

"So long as no particular harm nor inconvenience accrued from the Indians holding vacant lands out of proportion to their requirements," he stated, "...the department firmly opposed any attempt to induce them to divest themselves of any part of their reserves. Conditions, however, have *changed* and it is now recognized that where Indians are holding tracts of farming or timber lands beyond their possible requirements and by so doing *seriously impeding the growth of settlement*... it is in the best interest of all concerned to encourage such sales."

Votes were then forced upon the Indians and, through ignorance, subtle threats and pressures, the government obtained Indian approval to dispose of almost 100,000 acres of Indian land in Alberta during the next five years.

Protests were sometimes made by the Indians regarding the methods used in obtaining the surrenders (such as at the Peigan reserve in 1909) but the lands given by treaty were soon occupied by white settlers.

This was apparently part of a program, echoed as early as 1905 by the Deputy Superintendent General, of breaking up the reserves. "...Indian legislation has at any rate for its theoretical object," he stated, "the breaking up of separate racial communities... and their amalgamation with other national elements."

During these years, insufficient funds were voted for the education and training of our people or to give proper welfare assistance. However, by forcing the surrender and wholesale leasing of Indian lands, money was obtained and trust funds established. For example, when the Blackfoot Indians agreed to surrender 116,098 acres of their reserve in 1911 and 1917, a trust fund was established with the \$2,218,000 realized from the sale. With this money available, the government found it did not have to use so much of its own funds. Instead, it used the money for purchasing equipment, establishing a band herd, constructing a hospital and other buildings, and for issuing to the Indians in the form of relief. None of the program seemed to be designed to teach the Blackfoot to become self-reliant but rather most of it was consumed in administrative and welfare expenses.

This trust fund saved the government hundreds of thousands of dollars which it would otherwise have spent on the reserve. But it bore no lasting advantages for the Blackfoot.

As the years passed, the oppression continued. In 1914, the Indian Act was changed to make it an offence for our people to participate in exhibitions or stampedes without permission, and restricted the disposal of Indian cattle given under treaty stipulations. Again in 1918, changes in the Act made it possible for the government to spend a band's capital funds after they had refused to give approval and their action was considered to be "detrimental to the progress or welfare of the band." In the same year, new regulations made it possible to lease grazing or agricultural lands without obtaining the permission of the band.

The next major change in policy came in 1919 when they enacted new regulations regarding enfranchisement. For the whole 53-year period since Confederation, only 102 Indians in Canada had enfranchised. The old regulations were then relaxed and encouragement given to our people, whether prepared or not, to enfranchise. One of the biggest inducements was the offer of money in the form of ten years' treaty payments in a lump sum. By 1921, 487 Indians had enfranchised, or more than four times the number from the previous 53-year period. And, not satisfied with this "progress", the Deputy Superintendent General suggested "in the interest of good administration... the provisions with regard to enfranchisement be further extended so as to enable the Department to enfranchise individual Indians or a band of Indians without the necessity of obtaining their consent..."

Indians who were ill-educated and ill-prepared were turned out of their reserves, often the sole purpose of their applications being to obtain any money in their band funds or their treaty money in a lump sum. It was a situation which, through public apathy, government policy, and the lack of an Indian voice, persisted through the years. It has continued in various forms until the present day, and has been responsible for hundreds of tragic cases like the Giroux affair at Cochrane, Alberta, in 1957.

The presence of compulsory enfranchisement clauses in the Indian Act, such as Section 112, were interpreted by many of our people to mean that if we showed that we could live successfully in this country, we would be forced out of treaty. Instead of encouraging us to attain self-sufficiency, the government had placed an ominous threat before us, warning what might happen to any of us who progressed too far.

In the years that followed, the policies relating to land surrenders, enfranchisement, and the destruction of personal initiative were continued. At the same time, education was poor, health services were inadequate, and our people were kept in a state of semi-ignorance and poverty. The public, which had to bear the taxes in maintaining this program of subjugating our people, understandably looked upon us with a feeling of disdain. If we could not show any noticeable progress after more than half a century, they thought that we must indeed be second class citizens. The fault for not taking our places beside the white people of Canada seemed to be entirely our fault. This is a feeling which the government has helped to foster among Canadians and is one which will take us many generations to refute.

In this brief outline of history, we have touched only upon the highlights. There are many other stories which could be told, such as the Indians of Lesser Slave Lake who lost their treaty rights, the policy of discouraging higher education, the events which, in 1921, caused an ex-Indian Agent of the Bloods to write the booklet "Our Betrayed Wards" ("A story of chicanery, infidelity and the prostitution of trust"), the death rate which was for years far out of balance with non-Indian communities, and many more.

Our reason for bringing up these matters is not to complain or to ask for redress. Rather, it is to show you why our people are cautious, and sometimes suspicious, of the government's actions or intentions. Too many times in the past we have experienced betrayal or the misuse of trust. To us, our protection lies in the treaties and, while we want our children to progress, we also want to retain the rights, protections, and privileges which were granted to us when we relinquished this country to your government.

This short history is also given to show you that the accusations of laziness, disinterestedness and backwardness of which our people are often accused are ones which do not entirely belong upon our shoulders. Our ancestors were industrious and self-reliant, but we are now the third or fourth generations of Indians who have been raised during the government's program of repression of initiative. That, plus the complications in our lives caused by differences in our customs and beliefs, have been responsible for holding us back.

Since the end of World War Two, we have seen a steady improvement in our relations with the government. This Association has, since 1944, seen more and more of its requests granted, and the resulting benefits to our people. But there is still much to be done if we are to take our place beside you. We were happy to read that our present Minister has stated: "The sooner we can help the Indian to learn to help himself, the better it will be for him and for us all." We only hope that restraint, consideration and honor will be shown by the government in the difficult years which lie ahead.

TREATY RIGHTS

In our treaties of 1876, 1877 and 1899, certain promises were made to our people; some of these are contained in the text of the treaties, some in the negotiations, and some in the memories of our people. Our basic request is that these promises be at all times honored, and that this should always be the first consideration of the government when considering any changes in the Indian Act.

We want our people to progress, but not at the expense of our basic rights as treaty Indians. We feel that it should be possible for us to be able to live on an equal footing with the white man, without having to give up our right to live on our reserves if we so wish or to lose our legal status as treaty Indians.

If an Indian now leaves his reserve and takes a job in a city or town, he cannot enjoy the legal rights or privileges of an ordinary citizen unless he becomes enfranchised under the Indian Act. And, if he does enfranchise, he and his children can never return to live on their reserve. To our people, the reserve is our native country, and our home. It is there that our ancestors lived and there that our relatives now reside and our language is spoken.

When the French surrendered Canada, they were given certain privileges so that in Quebec their language is encouraged and spoken. Spoken laws that were part of the Napoleonic code are enforced and certain customs and holidays are recognized. But when a French-Canadian moves to another part of Canada, he is subject to the laws and the customs of the province where he makes his new home. However, he is not forced to sign a document that makes it impossible for him ever to return to his native province again.

When immigrants come to Canada, they are expected to abide by the laws of our country, but they are not forbidden to return to their native land if they so desire. Yes this is the path a treaty Indian must follow if he wants to become a responsible citizen of Canada.

We would like to briefly outline our understanding of the present arrangement for "enfranchising". If an Indian's application is accepted, he agrees that he will no longer be legally considered to be an Indian. He gives up any rights in his reserve and is never again permitted to take up residence there. He also relieves the government of any responsibilities it might have towards him under treaty or the Indian Act.

In exchange, the Indian receives compensation. By Sec. 15 (a) he obtains a per capita share of the capital and revenue moneys in the band funds. This is money derived largely from the sale or leasing of parts of his reserve. In effect, the government says it will give an Indian his rightful share of parts of his reserve which have already been sold or exploited in exchange for giving up any rights he has in the parts that are left.

Also, under Sec. 15 (b), if he will forfeit the right to collect his annual treaty money for the rest of his life, they will give him ten years of his own money in a lump sum. And finally, if a man holds a Certificate of Possession or a Location Ticket, he may even take away with him a piece of the reserve that was promised to the Indians forever. This would be another step in attempting to break up our reserves.

To add to this tragedy, Sec. 10 sends the man's wife and children out of treaty with him. Sec. 12 (iii) makes it impossible for them ever to return, and Sec. 11 (c) (d) and (e) bar his descendants from treaty status forever. They would all be banished from the land the government promised would be theirs and their descendants for as long as the sun shines and the rivers flow.

All this means then, is that our people are being bribed *with their own money* to free the government of its treaty obligations.

And it cannot be denied that many of our people have enfranchised only to get the lump sum of cash which comes to them. They often do not have the education or the foresight to see what effect this move will have on their future generations. Theoretically the government approves the enfranchisement only of persons who are sufficiently advanced to accept life in the competitive world. However, in actual fact a great number of applications have been accepted where they were totally unprepared, either educationally or emotionally. A good example is the Giroux case in Alberta where a man, his

wife and seven children were enfranchised and later were discovered living in a tent on the outskirts of Cochrane.

In addition, we feel that the word "enfranchisement" is totally misleading. The dictionary definition of the word is "to set free", yet as administered under the Indian Act, it does just the opposite. All an Indian is freed from are the sacred promises given to his ancestors at treaty.

Some feel that "enfranchising" means to obtain the right to vote, yet nowhere in any Act of Parliament are we given the vote because we have "enfranchised" under this Act. In some provinces our people have already been given the provincial vote, while Indian war veterans have the federal vote, yet in neither case are these people "enfranchised". Also, as provided for in Para. f, Sub. 2, Sec. 14 of the Dominion Elections Act, an Indian can receive voting privileges if he subjects himself to the payment of taxes on his reserve.

This had caused a great misunderstanding. An Indian says he does not want to become "enfranchised" so the public feels he is a shiftless person who does not want the vote. On the other hand, many of our people feel that to accept the vote is to lose their homes and their rights to live with their own people.

It is for that reason, the members of this Association have reserved any decision regarding the acceptance of voting privileges, either federally or provincially, at least until Section 112 is removed from the Act. Many of our members feel that to accept the vote is to risk "being shoved out on the road allowance" (a quotation from our 1959 meeting referring to former treaty Indians or mixed bloods who have nothing and pitch their tents upon road allowances).

In addition, we urge that changes be made in the Act so that any provision for enfranchisement is removed. We feel that an Indian should be able, if he wishes, to enjoy all the rights, privileges and liabilities of non-Indians without any loss of treaty rights. Yet, at the same time, he should have the right to return to his reserve where he would be under the provisions of the Indian Act. The Association asks for the removal of Sec. 112 immediately, and that Sec. 108-111 be removed and replaced with provisions which would make this possible.

We also ask that if the word "enfranchisement" is to remain in the Act, it be given an accurate name, such as "loss of treaty rights" or "removal from treaty".

We also ask that if the word "enfranchisement" is to remain in the Act, it be given an accurate name, such as "loss of treaty rights" or "removal from treaty".

We realize that at present an Indian woman who marries a non-Indian man loses her treaty status. However, we are grieved by the tragedy this has sometimes caused. There have been cases where a woman has been induced by a non-Indian man to marry him and, as soon as her enfranchisement money arrives, he spends it and deserts her. This leaves the woman in the pitiful situation where she cannot return to her own people and is usually ill-equipped to make a living in the non-Indian community. The tragedy that often follows can easily be imagined.

We would therefore recommend that consideration be given to the suspension of payment of any enfranchisement moneys to such women for, say five years. This would eliminate the likelihood of her being victimized. If, during the period before receiving her money, she obtained a divorce, she should be able to have her name reentered on the Band List.

In addition, we also wish to bring to your attention the situation regarding Indian couples who legally adopt children of non-Indian status. At the present time, such a child becomes part of the family and yet can never become a

treaty Indian. A barrier is thus forever placed between child and parents. Upon reaching manhood, an adopted boy can have no natural place in the community of his parents, nor can he follow in the footsteps of his father or share with him the fruits of his labors. Many parents build a successful business with the knowledge that it will be passed along to their children, but this is denied these families who reside on reserves. We feel that it is morally wrong to enforce such a regulation.

We therefore recommend that the Act be amended so that a non-Indian child who is legally adopted by a treaty Indian couple may have its name entered on the Band List. We feel that there should be a safeguard against the misuse of this provision and that this would be covered in Sec. 9 where members of the band would have the right to protest such names.

We are also disturbed by the existence of certain regulations which we feel are sometimes the cause of common-law marriages and illegitimacy. At the present time, band funds may vary from a few dollars in one band to over a million dollars in another, depending upon the prosperity of that particular reserve. Those reserves which are prosperous have been making money available to its members through regular interest payments to every man, woman and child in the band. Girls who are members of reserves with large band funds have therefore been reluctant to legally marry boys from reserves with small band funds, as they would be transferred and automatically lose these payments. They also know that, under present regulations, the illegitimate children of a treaty Indian couple become members of the mother's band. Therefore, if they continue to live in common-law relationship, the mother and children will receive the interest payments, whereas if a legal marriage is performed, they would all become members of the husband's band.

We would ask that a revision be made in the Act which would be interpreted as considering illegitimate children of a treaty Indian couple to be members of their father's band in cases where paternity can be determined. This we feel would encourage legal marriages and the legitimatization of the children.

We also wish to reaffirm our stand that no Indian should be bribed, coerced or forced out of treaty against his will for any reason. The existence of any regulations which can make this possible has been the cause of much suspicion and mistrust by our people. Such occurrences as the Hobbema case in 1957 have only added to our worries and, although the sections covering that kind of expulsion have been removed, the fear still remains.

We might point out that when the government attempted to remove the Indian of Hobbema Agency from their reserve because their ancestors were accused of having received scrip, the public clearly showed that they were opposed to the tampering with our treaties. In addition to the petitions signed by Indians from all parts of Canada, there were others representing different religious groups, political groups, municipal councils, service clubs and such organizations as Canadian Federation of Home and School; National Council, Local Council of Women; Calgary Branch university women's clubs, farm organizations, labor councils and many others: They not only protested the removal of Indians from treaty, but they also object to the breaking of treaty obligations.

We feel that occurrences such as the Hobbema case damage Canada's prestige as a democratic country and have a bad effect upon relations between our people, the government and the rest of Canada.

It is important that a spirit of co-operation exist between our two peoples. This can only be gained when there is a feeling of complete understanding, particularly in the regulations that govern us. At present, the Indian Act is a

complicated legal document which our people find extremely difficult to comprehend. This lack of understanding has made many of our people distrustful of the Act.

Therefore, we are asking that a simplified version of the Indian Act be prepared in language which our people can understand. We realize that such a document would in itself not be the legal Act, but it would be a link between the government and our people. We feel that, if such simplified version was prepared and widely distributed among our people, it would eliminate much of the misunderstanding and suspicion which now exists.

We also feel that there are other problems which cannot be covered so easily. From time to time, for example, there are problems and court cases involving adoptions, divorces, rights to hold property and other legal matters. As the average Indian cannot now afford a legal counsel, we wish to recommend that the government engage competent lawyers who would be placed at major centres so that our people could go to them concerning our legal problems. This would have the added advantage of having lawyers who specialized in Indian problems and would therefore be experts in legal aspects of the Indian Act and the treaties with the relation to federal and provincial laws.

In the general field of Indian Affairs, we feel that the responsibility of the government has reached the point where separate Department of Indian Affairs should be established. In addition to its administrative advantages, it would give our people a feeling that the government was taking a sincere interest in helping us through these difficult times.

At the same time, we realize that legislation affecting our people is often brought before Parliament. Therefore, we ask that a permanent standing committee be set up in the House of Commons to act upon such legislation.

We also ask that the Federal Government appoint a Royal Commission to inquire into the administration of Indian reserves, particularly in Alberta. There are many aspects of the operation of our reserves which we feel are a hindrance to our progress and that these could only be dealt with properly by a Royal Commission. This request has been brought to the attention of the government on previous occasions and was included in our preliminary Brief to the 1959 Joint Committee.

There were two other resolutions passed by our Association which should be mentioned. One is that wherever the words "legal title vested in Her Majesty" appears in the Indian Act, that it be revised to read "legal title vested in Her Majesty in trust for the band." The other is that we are opposed to Certificates of Possession or Allotments and that the use of these should be discontinued. We would also ask that any Certificates of Possession already issued be subject to cancellation if they are not being used by the person to whom they were originally granted.

These certificates have resulted in bad feelings and mistrust among our people. It is also seen by many as another step in attempting to break up our reserves.

As will be seen by these resolutions, there is an underlying fear among our people that at some future date there is always the danger that an unscrupulous or thoughtless government might again betray us. We are asking for provisions to make it impossible for the government to eliminate or to cut down the size of our reserves and to protect our status as treaty Indians.

RESOLUTIONS ON TREATY RIGHTS

1. BE IT RESOLVED that all Indians who, at the time of coming into force of the revised Indian Act of 1951, who were either treaty Indians or descendents of treaty Indians, be henceforth regarded as treaty Indians and that no such persons be bribed, coerced or forced out of treaty against their will. (See p. 15)

2. BE IT RESOLVED that the compulsory enfranchisement section, 112, be removed from the Act.

3. BE IT RESOLVED that we ask for the repeal of Sections 108 to 111 from the Indian Act.

4. BE IT RESOLVED that if Sections 108 to 111 are removed from the Indian Act, they be replaced with provisions which would permit an Indian to reside off his reserve and assume all the advantages and liabilities of non-Indians without any loss of treaty rights.

5. BE IT RESOLVED that the government study the possibility of withholding all enfranchisement moneys from Indian women who marry non-Indians, for a period of five years, AND

FURTHERMORE if the woman is divorced or separated anytime during these five years, she may apply to have her name re-entered on the Band List, but that any children from this marriage are not automatically eligible to be entered. (See p. 14)

6. BE IT RESOLVED that a child which is legally adopted by a married Indian couple registered in the band should be eligible to have its name entered on the Band List.

7. BE IT RESOLVED that a section be put in the Indian Act which would make illegitimate children of a treaty Indian couple, where the paternity can be established, members of their father's band.

8. BE IT RESOLVED that the Indian Association of Alberta reserves any decision on the principle of Indians accepting the provincial or the federal vote without any loss of treaty rights, at least until Section 112 is removed from the Indian Act.

9. BE IT RESOLVED that the Legal Department of the Indian Affairs Branch be asked to draw up a simplified version of the Act, together with explanations in words and phrases that can be easily understood, AND

FURTHERMORE that these simplified versions be checked and approved by a non-government committee of lawyers before being accepted, AND

FURTHERMORE that copies of these simplified versions, as well as copies of the Indian Act, should be made available to Indians through their local agency office.

10. BE IT RESOLVED that the government establish at major centres and at its own expense, competent lawyers to whom the Indians could appeal for advice concerning their legal problems.

11. BE IT RESOLVED that the Federal Government be asked to set up a separate Department of Indian Affairs.

12. BE IT RESOLVED that a permanent standing committee be set up by Parliament from members of the House of Commons to act upon Indian legislation.

13. BE IT RESOLVED that the Federal government appoint a Royal Commission to inquire into every phase of the administration of Indian reserves in the Province of Alberta.

14. BE IT RESOLVED that we are opposed to Certificates of Possession or Allotment being given to non-Indians or members of the band and if Certificates have been given they should be subject to cancellation if not being utilized by the person to whom they were granted.

15. BE IT RESOLVED that wherever the words "legal title vested in Her Majesty" appear in the Indian Act, this should be revised to read "legal title vested in Her Majesty in trust for the band."

SELF-GOVERNMENT

If the government is to pursue the policy of encouraging initiative and self-reliance among our people, it must necessarily include the governing of our bands. For many years our councils were little more than tools in the hands of the agents and those who attempted to go against the professed wishes of the agent and/or government "policy", often suffered for it.

For example, when Blood head chief Crop Eared Wolf opposed the government's attempt to force the surrender of part of their reserve in 1908, definite attempts were made to remove him from office. It was felt that the chief's actions were not in accordance with government policy at that time.

Again in 1918, agents were given powers to spend capital funds if the band refused to approve a project and which was felt "detrimental to the progress or welfare of the band."

The whittling down of the councils' powers over the years was another step in destroying the initiative of our people.

We feel it is now the responsibility of the government to return this power to our people, but at the same time it must keep in mind the position of Indians as a whole. We realize that most of our councillors are honest and sincere men, but many of them have not had the education to enable them to handle all the detailed aspects of administration and financing. Therefore, a certain amount of control should still be left in the hands of the government.

One of the means of accomplishing this is through leaving more of the important decisions to the electors of the band. This is particularly true when dealing with leases and other land matters.

Each reserve should also have an annual budget meeting where the proposed expenditures for the coming year must receive the approval of those present. This would give the people an opportunity to express disapproval of any proposed expenditures by the council.

In addition, we feel that any single expenditure which is in excess of ten per cent of the total band funds should be approved by the majority of the electors of a band. This is similar to the money plebiscites held in non-Indian communities. As an example, community halls, electrification projects, and other works have been undertaken on some Alberta reserves with only council approval. We feel that the expenditure of these large sums should have been approved by the electors of the band.

We realize that the council of a band has the right to pass bylaws which will effect the whole reserve. But we are disturbed by the lack of uniformity from band to band in consolidating these bylaws and making them available to band members. Some reserves have an efficient arrangement while on other reserves there is no consolidation and the only way a bylaw can be found is by checking through the past minutes of council meetings. We would therefore ask that the government instruct the superintendents to keep a consolidated set of bylaws at the agency office and that these be in a position where they can be freely consulted by the council or members of the band.

The most progressive step in developing the self-reliance of our people should be made by removing some of the dictatorial powers now held by the Minister and the governor-in-Council. These powers include all rights as to real property, whether it is ownership, leasehold or occupancy. In Alberta, the Minister has the discretion or power over the personal property, and produce as well, of the individual Indian. By the Act, she is given complete control over the uses of the reserve, the election of chiefs and councillors, all matters dealing with schools, infants, mentally defectives and matters testamentary; and also has control over the Indians' largest source of finance—the money in their band funds. In all these matters, the Minister's decision is not subject to review, nor bound by the law of precedent or statute, and from the Minister's personal decision there is no appeal.

We feel that the Minister has assumed an inconsistent position, for she is representing both the interest of the Queen and those of the Indian. In other words, she is acting as trustee and *cestui que trust*, and these two interests are in constant conflict.

(Note: We have submitted as evidence a copy of the Indian Act with the portions underlined in red where such dictatorial powers are given. Their frequency is immediately noticeable.)

It is inconceivable that the Indians should be placed in a position where the decisions of the Minister of Governor-in-Council are final. British justice, decency and fair play demand that we be given the right to appeal to the supreme courts of our province against any decision which we feel is improper or unfair.

How can we, as treaty Indians, expect to stand upon our feet if we are to live under the shadow of an Act which can, in the wrong hands, enforce dictatorial powers over us? The courts are here to protect the people of Canada and to protect their rights. Should not the Indians have this right of appeal? We therefore ask that our people be given the right to appeal any section of the Indian Act where the Minister's discretion or that of the Governor-in-Council is exercised in any manner.

And, on the local level, we feel that our councils should be permitted to conduct the band business without interference or meddling on the part of the superintendents. We realize that a good superintendent can be a great asset to us, and we need his counselling and his advice on many matters. We want to listen to him and hear his suggestions, but if our council decides to follow a certain course which is not strictly in accordance with the wishes of the superintendent or the Department, we do not want to be pressured, influenced or obstructed.

This situation can exist, even with a good superintendent, and can cause distrust and concern among us. With poor superintendents—and it cannot be denied that a number of these are in the government service—the situation can become unbearable.

When the Mounted Police first came among us, the relations between the government and our people was one of friendship and trust. Over the years, these have changed on our part to suspicion and mistrust. We feel that if the government expects to guide and aid us in taking our proper place in Canadian life, it must try to re-establish this trust. But this can only be done by giving the average Indian a better understanding of the government's policies and by removing regulations which we feel are a threat or a hindrance to us.

For example, when the government calls an Indian conference in any part of Canada, it should be for the purpose of providing more enlightenment for the Indians, not more mistrust. But in recent years, conferences have been

called where the delegates—who were supposed to represent our people—were chosen by the government, and not by the Indians. They were given no indication of what subjects would be discussed and yet they were expected to express themselves on behalf of the Indians in their area.

Similar conferences have been held where the Indians chose their representatives, yet the delegates did not know what matters were going to be discussed and therefore could not hold meetings prior to the conference to learn the wishes of their people.

At some of these conferences, the delegates had only a limited knowledge of English and yet they were expected to understand, and probably to approve, technical and legal matters or points of policy. In the final analysis, some of these conferences appeared to be nothing more than an attempt to obtain rubber-stamp approval from hand picked or ill-informed delegates.

We therefore recommend that at all future conferences, the delegates be chosen by the Indians and that they be fully informed of the subjects to be discussed so that they can ascertain the feelings of their people. We also believe that such representatives, if they so desire, should be permitted to have interpreters and legal advisers in attendance.

And, on a more local note, we feel that this Association has shown during the past sixteen years that it is sincerely interested in the problems of our people. Therefore, we would humbly ask that a representative of the Indian Association of Alberta be invited to any future Indian conferences where matters relating to this area are to be discussed.

We have also noted that the government, through its various departments, has from time to time given assistance to ethnological, sociological and other non-Indian groups for the purpose of studying the Indians. We feel that the Indian people are now reaching a point where they are becoming more and more interested in their own problems. There are Indian social clubs, societies, associations, and other groups which are sincerely trying to do something constructive. However, the lack of finances for carrying on their good works, or for delegates to attend their meetings, have often prevented them from attaining the goals of which they are capable. We therefore recommend that the government study the possibility of making grants to Indian societies and organizations that are concerned with Indian life and Indian problems.

Generally speaking, we feel that the government should do everything possible to encourage greater participation of the Indian people in their own affairs. This includes more council responsibility, the placing of qualified Indians in the Indian Affairs Branch, the encouragement of Indian organizations and anything else which will help us to work on our own behalf.

RESOLUTIONS ON SELF-GOVERNMENT

16. BE IT RESOLVED that all decisions involving reserve lands, existing or proposed leases, alienations or surrenders, and the extension or the termination of such leases as may be in effect, Band or Trust Funds, be decided by a properly called band meeting of the band concerned.

17. BE IT RESOLVED that the council of each band must call a public meeting each year, giving thirty days' notice, to bring before the members of the band the proposed budget of expenditures for the coming year, AND

FURTHERMORE that such a budget must receive the majority votes of those band members present at the meeting, AND

FURTHERMORE that a majority vote of the whole band must be taken on any proposed expenditure which is in excess of ten percent of the band funds.

18. BE IT RESOLVED that the bylaws of each band be consolidated by its superintendent and kept in the agency office where they can be freely consulted by the band council or members of the band.

19. BE IT RESOLVED that in any section of the Indian Act where the Minister's discretion or that of the Governor-in-Council is exercised in any manner which an Indian or band of Indians feels to be inequitable, there shall be appeal from the decision to a Judge of the Supreme Court of the province where the Indian or band of Indians is located.

20. BE IT RESOLVED that all superintendents be required to co-operate with band councils in conducting their business.

21. BE IT RESOLVED that no delegates should be asked to attend any conferences or meetings with representatives of Indian Affairs Branch until they are fully informed of the subjects to be discussed, AND

FURTHERMORE that any delegates, whether chiefs, councillors, band members or representatives of Indian organizations, be allowed legal advisers and interpreters, AND

FURTHERMORE that such delegates should be elected by their band or organization at a public vote rather than be appointed by the government.

22. BE IT RESOLVED that a delegate from the Indian Association of Alberta be invited to any future conferences called by the Indian Affairs Branch in which matters relating to this area are to be discussed.

23. BE IT RESOLVED that grants should be made to Indian societies and organizations so they may meet to exchange information and discuss their problems.

EDUCATION

From the time of our treaties, everyone has said that education is the key to our problems. Not until we have a proper education can we hope to live successfully in this Canada that surrounds us.

The feeling of the government towards education before the turn of the century was aptly described in 1891 by the Superintendent General of Indian Affairs. "In this connection," he stated, "I need hardly add that the sacred trust with which Providence has invested the country in the charge of and care for the aborigines committed to it, carries with it no more important obligation than the moral, social, literary and industrial training of the Indian youth."

From the beginning, the education was placed entirely in the hands of the churches, which in Alberta were the Roman Catholics, Anglicans and United Church. Over the years, there were day schools, residential schools and industrial schools, all of which had varying degrees of success.

But, although the government may have given lip service to the ideal of adequate education, it did not practise it. For many years, the responsibility was left almost completely with the churches and they were forced to carry undue burdens of expense and responsibility which rightfully should have been with the government. The limitations of funds made it necessary for many of the schools to operate with inadequate buildings and poorly trained teaching staff. Any credit for progress shown during those trying years belongs to the devoted individuals and teachers, not with the government.

In addition, the government felt that no Indian required an academic education beyond the age of sixteen. After that age they were discouraged

from going to school and financial assistance was removed. As recently as 1944, an Alberta Indian applied for assistance in furthering his education and received a reply from Ottawa which stated: "The Department doubts the advisability of encouraging the older pupils to proceed along academic lines... It is felt that when pupils reach the age of 13 or 14 years, the school management should emphasize vocational rather than academic training."

At the same time, we must point out a feeling which exists among our own people. For many years, it was believed that the educational system was designed to "turn us into white people". The feeling was expressed by chiefs and many others who did not want their children taken away to residential schools. It is a feeling which still exists and should be taken into consideration. We do not want educations that will turn us into second class white people; rather, we want to become first class Indians. Therefore, any program which will encourage our people to take more interest and pride in our own race would be greatly welcomed. We want to obtain the knowledge which will enable us to live in this modern world, but we do not want to forget that we are Indians and that we are proud of it.

For this reason, we recommend that the government make a complete examination of its school system and to give particular consideration to the needs and desires of the Indian people. We feel that if a Royal Commission is established to study Indian Affairs, it would be the logical group to undertake particular enquiries into the field of education.

We realize that the government has made many improvements in education in the past ten years and that the policies at present are the most intelligent and ambitious yet undertaken. We are happy to see that many of our children are now getting the education and the opportunities which were denied us. Therefore, it would seem to be a logical time to make a thorough study into education to see if the present programs are entirely successful and to determine what other actions should be taken.

Indian education has been in a state of lethargy for so many years that we feel drastic steps will have to be taken to reorganize it along the lines which will be of the greatest benefit to our people.

We realize the difficulty which has been experienced by the government in obtaining well-trained teachers, particularly for the remote and isolated areas. Present figures indicate that 22 per cent of our teachers in Alberta are not fully qualified. At one time the wage scale was far below that offered in non-Indian schools, but a few years ago it was raised so that it is now on a par. But the evidence indicates this is not enough. The average teacher may feel a strangeness about entering the unfamiliar field of Indian education and, if a non-Indian community offers the same salary, she is likely to accept it. Also, the exceptional or above average teacher will have many offers and the financial consideration is often the deciding factor.

Therefore, we feel that the teachers in Indian schools should be paid more than the salaries offered in non-Indian schools as an inducement for the better class of teachers. An intelligent bonus system would probably do much to attract the type of teachers who would help to elevate the whole level of Indian education. In addition, every effort should be made to provide accommodation which would compare favorably with any non-Indian community.

We also realize that teachers who come to Indian schools and, indeed, anyone who joins the Indian Affairs Branch, usually has little knowledge or appreciation of our people. We therefore recommend that every new teacher and official of the branch be given a short course in Indian anthropology and culture. This may instill within them some appreciation of the heritage of our people and a greater understanding of the problems which confront us.

We have, throughout this Brief, encouraged the suggestion that the Indian people be assisted in helping themselves. Another step in this direction would be the training of Indians to become teachers of our own people. We recommend that the government employ supervisors to make regular surveys of Indian school children to find those who show a desire and ability to become teachers. We feel that these children should then be given particular encouragement and assistance to help them to become teachers.

We have also observed considerable difficulty with Indian pupils who wish to go to the cities to complete their educations. There is a definite lack of personal supervision and interest shown by the government and a considerable number of pupils leave school because of personal or environmental problems. At the present time, a pupil enrolling at a high school in Calgary, for example, receives no personal supervision and often she has accommodation which she obtained herself. We agree that a certain amount of personal freedom should be given, but on the other hand, they should have someone they can turn to in times of trouble. They should also receive guidance and encouragement so that they will continue with their education.

One partial solution is the appointment of welfare and guidance officers for this particular task. Another is to establish hostels at major points such as Calgary and Edmonton. Pupils should not be forced to board in these, but many would prefer to live in such a hostel where they were among Indian friends. We recommend that these be nondenominational, but that pupils would attend schools and churches of their own faith.

We would also draw to the attention of this Committee the findings of the Alberta Royal Commission of Education which presented its report in 1959. This Association submitted a Brief to the Commission and we were pleased with the seven specific recommendations they made regarding Indian education.

We would particularly draw your attention to the first recommendation: "That the Alberta government pursue agreement with the Dominion government to the end that more provincial responsibility may be assumed for the education of Indian children." At our general meeting, it was felt that a blanket endorsement of this recommendation might give the feeling that we are agreeable to the Federal Government relinquishing its educational responsibility to the Indian people. This is not so. Although many advantages could be obtained by placing more responsibilities in the hands of the Province, we wish to see the final responsibility for education left to the Federal Government.

The situation is similar in the seventh recommendation: "That Indian children be not denied the right to an education because of lack of finances of their parents." It was felt that a blanket endorsement of this recommendation might be taken as an indication that we are willing to relieve the Federal government of its financial responsibility in educating our children. Again, this is not the case. We are endorsing it simply to signify that the poorest family should be able to have its children properly educated, but that the Federal government still has the obligation of providing the means to Indians of obtaining this education.

The third and fourth recommendations are ones which deserve the serious consideration of this Committee: "That where integration is considered best, special education be given non-Indian children that they may appreciate and understand the heritage and problems of the Indian children during a period of adjustment" and "That the courses of studies, particularly social studies, be scrutinized to see that a fair and proper treatment is given to the place of the Indian people in the history of Canada."

While non-Indian education is a provincial matter, we feel that leadership could be given by the Federal government in planning courses of study and educational programs which would fulfill these laudable suggestions. Too often an Indian student attending a non-Indian school is subjected to an unintentional type of discrimination caused by ignorance, by textbooks, or such influences as television, comic books, or other media of communication and entertainment. We feel that this can best be combatted in the schools.

The fifth recommendation: "That the whole education program envisioned in this report be extended to Indian children" is more complex. There are a great many facets to the Commission report, but we feel that almost all of these could be successfully applied to Indian schools in Alberta.

We would particularly draw your attention to the following recommendation which was contained in the Royal Commission report: "That in all schools in which the board by resolution decides to offer a primary course in one or more languages which represent mother-tongues in the community, the provisions and status now accorded French be extended to these other languages."

The implementation of this recommendation could introduce the teaching of Indian languages in the regular courses of studies in some of our schools. This would mean that English was the primary language and that French and an Indian language would also be on the curriculum. We feel that this would be a desirable step in the cultural progress of our people.

The sixth recommendation: "That adult education programs designed to assist the Indian people to a greater degree of citizenship be undertaken" is also one which is worthy of consideration. At the present time, lack of education is the greatest limiting factor in our hopes for success. We believe the Committee would be appalled if it could be provided with the figures of how many of Alberta's 18,525 Indians have more than a Grade Eight education, or how many have completed High School, or how many have graduated from University. We have been kept in a state of semi-ignorance through government policy and government ineptness in handling Indian education. We feel that adult education in the field which would be of the most practical value should be introduced.

The second recommendation: "That thorough study be made as to whether integration in schools is the best policy; and if so, how Indian children can best be prepared for this policy" is one which requires little elaboration. We feel that the Indian Affairs Branch has made a thorough study of this question and should provide guidance to the Province in implementing this recommendation.

Finally, this Association has, from time to time, pressed for the construction of schools and other facilities. Therefore, we have included among our resolutions a list of some of these requests to indicate the need for action in the field of education.

RESOLUTIONS ON EDUCATION

24. Be it resolved that the Indian Association of Alberta urge upon the Dominion Government the necessity for a complete reorganization of the Indian school system based upon a complete re-examination and re-evaluation of the needs of the Indian people as a minority within the Dominion population and that this study must concern itself with the causes of the present inadequacy and with the means to remedy it.

25. Be it resolved that the Indian Association of Alberta, realizing the close connection between education and general welfare, repeat its demand

for a Royal Commission and urge that this Commission undertake the enquiry into education proposed in the first of these resolutions on education.

26. Whereas the Alberta Royal Commission on Education has made the following recommendations regarding Indian education in Alberta, viz:

"That the Alberta government pursue agreement with the Dominion government to the end that more provincial responsibility may be assumed for the education of Indian children;

That thorough study be made as to whether integration in schools is the best policy; and if so, how Indian children can best be prepared for this policy;

That where integration is considered best, special education be given non-Indian children that they may appreciate and understand the heritage and problems of the Indian children during a period of adjustment;

That the courses of studies, particularly social studies, be scrutinized to see that a fair and proper treatment is given to the place of the Indian people in the history of Canada;

That the whole education program envisioned in this report be extended to Indian children;

That adult education programs designed to assist the Indian people to a greater degree of citizenship be undertaken;

That Indian children be not denied the right to an education because of lack of finances of their parents."

Be it resolved that the I.A.A. endorse and approve these recommendations of the Alberta Royal Commission on Education with the provision that the last recommendation apply to higher and specialized education and further, the Indians request that the Federal Government make available funds to implement this report."

27. Be it resolved that the Indian Association of Alberta urge upon the Dominion Government that it immediately take steps to institute a regular short course in Indian anthropology and culture at, say, the Banff School of Fine Arts, that this course be conducted by the best and most skillful person available, and that completion of such course be regarded as a necessary preliminary to employment by the Indian Affairs Branch as a teacher in Indian Schools.

28. Be it resolved that the Indian Association of Alberta urge upon the Dominion Government the immediate adoption of a bonus system as an added inducement to teachers, a system which should include:

1. A general bonus to all teachers over the average provincial salaries.

2. A special attention to the construction of suitable housing, which is at present deplorable, and

3. The payment of a special extra bonus to teachers in designated remote areas.

29. Be it resolved that the I.A.A. urge upon the Dominion Government that they instruct the Indian Affairs Branch to survey the children in Indian schools, to find out those children (even at an early age) who show desire and ability to teach, and that they then aid these children in working, both in school and in university, towards a career as teacher.

30. Whereas an acute difficulty shows itself at present in the accommodation of Indian pupils in Calgary and in Edmonton.

Be it resolved that the I.A.A. urge upon the Dominion Government the need for immediate setting up of hostels.

31. Be it resolved that the I.A.A. urge upon the Dominion Government immediate action upon the following specific requests, all of them passed in proper form by the proper band council:

1. The band at Goodfish Lake requests a United Church kindergarten.
2. The bands at Frog Lake and Kehiwin both request day schools on the reserves.
3. The band at Samsons requests a Protestant school on its reserve.
4. The band at Pauls requests a junior high school on its reserve.
5. Cold Lake and Saddle Lake reserves each request a Roman Catholic semi-boarding school on their reserves.
6. The band at Driftpile asks that the Indian Affairs Branch provide a school van and driven by an Indian.

HEALTH

The term "Vanishing American" at one time in history was a common phrase which referred to the rapid disappearance of our people. Health services and conditions were so bad that the public thought we could not possibly survive more than a generation or two.

We suffered with diseases such as tuberculosis, measles, scrofula, influenza, and many others for which we had no resistance. Most of these were foreign to us and our people died by the hundreds.

Today, we are happy to see that this situation has been drastically changed. We now have the largest birth rate of any ethnic group in Canada and our infant mortality rate has been greatly reduced. Tuberculosis, which was once such a killer of our people, has been brought under control by the fine work of the doctors at the Charles Cammell Hospital in Edmonton.

We appreciate what the government has done in the field of health services and we realize that the job is far from finished before we shall be on a par with our non-Indian neighbors. Isolation, malnutrition, lack of health education, and the vastness of the whole project are factors which we realize make it difficult for a rapid expansion of health services.

We also know that our health problems are closely associated with other social and economic factors in our lives. These cover such problems as housing, plumbing, sewage disposal, wells, intoxicants, mental health and others. But probably the most common factor is that of the food itself, for without adequate and proper diets, good health cannot be maintained. We know that certain standards for proper diets have been outlined by the Department of National Health and Welfare and we feel that these standards should apply to our people as well as to others in Canada. Malnutrition or improperly balanced diets probably have a considerable effect on other aspects of our lives, such as in employment and in school progress. Insurance companies continue to regard our people as poorer risks than non-Indians—an indication that our health still is substandard.

In the treaties which were made with the Indians of Alberta, a medical chest was provided to be kept by the agents. Treaty No. Six had special provisions in it for the care of our people who became victims of a pestilence. It therefore appears that health services were in the minds of those who signed the treaties and it was indicated in a manner which was the most practical for that period.

In addition, we feel that a humanitarian approach to our health problems should be a major consideration. This attitude has become more and more prevalent in recent years, but we still feel it must be further encouraged and broadened.

We therefore urge that the government provide additional health services in any fields where it is required to bring our standards to a level which is comparable to a non-Indian community. We also feel that proper health services should not be denied to any of our people because of inadequate funds. Rather, every effort should be made to attain a good general standard of health without imposing such expenses upon us that could result in further hardship.

We feel that a system should be established for the regular examination of our wells and other sources of drinking water to guard against contamination. In addition, each reserve should have an adequate supply of good water for all of its members and, wherever possible, wells should be dug to ensure that such water is available. A similar inspection service should be established with respect to sewage and other wastes, and more health education should be undertaken in these fields.

Competent persons should also examine our homes for health hazards and to educate our people so that we may be more aware of these. Steps should be taken to ensure that all future housing, whether welfare projects or otherwise, should be adequate from the standpoint of accommodation, available lighting, plumbing and heating. The substandard houses should be discouraged.

We also feel that encouragement should be given to any of our people who leave their reserves and attempt to make a living in a non-Indian community. Many of us find it difficult to compete because of our limited education and experience and therefore we often must accept positions which provide barely enough funds to support us. We therefore feel that any action which restricts Indian Health Services to those living away from their reserves is a great mistake. It is a backward step which would discourage our people from going out and making something of themselves. If they are penalized in this manner for showing initiative, then some of them will probably feel it is better to stay at home and wait for assistance.

We therefore recommend that Indian Health Services at all times be extended to treaty Indians, whether or not they are on their reserves, and regardless of the length of time they have been away from home.

And, as an encouragement for proper health practises on our reserves, we feel that all dispensary services, such as prescriptions and drugs, be continued to treaty Indians. Many of us are not in a financial position to purchase drugs which might be needed for the health of our families.

We have also found that the policy of stopping Family Allowance payments whenever our children are hospitalized often places a hardship upon us. Too many times our children have been in hospital for a very brief period, yet it has been weeks before Family Allowances were resumed. As these payments are often important to our children's welfare, we feel that they should not be stopped during short periods in hospitals.

Those of us who live in isolated areas do not have easy access to doctors or hospitals, so we appreciate the work that is being done by the field nurses. But we feel that they are grossly overworked and even though they have the interest and the desire to help our people, they cannot give as much attention to our health problems as they should. At present there are only seventeen field nurses to look after our entire Indian population, many of which have no other medical service immediately available to them. We therefore suggest that this matter be studied with a view to providing more field nurses and having more frequent visits to our homes.

Also, at present there are only three nursing stations in Alberta and we feel this is entirely too few for the Indian population which live in areas where these are required. Such reserves as Pauls band have asked the government to establish nursing stations on their reserves but little or no action has been taken. We therefore recommend that the number of nursing stations be increased to provide adequate facilities to those of our people who require them. We also feel that where necessary, hospitals should be established on our reserves and existing hospitals expanded as required.

On a local note, we have noticed that the operation of hospitals on our reserves seems to vary with the calibre of persons who are placed in charge. We feel that there should be a standardization of certain regulations so that the situation will not change when a change in staff takes place. For example in one of our hospitals, sick persons would not be accepted at night but could only be brought in during the day. We feel that such practises should not be permitted.

We also feel that a thorough study should be made of the present arrangements for patients who have been discharged from hospitals. If they are to properly recuperate and be rehabilitated, they should not be forgotten when they return to their reserves. For example, we ask that assistance be given to persons who have undergone operations for chest tuberculosis until they are able to assume normal physical activities. At present, such assistance is often insufficient to permit the ex-patient to properly recuperate or any aid cut off before health is sufficiently restored.

Possibly one of the most appalling aspects of our health problems is dental care. There are four dentists under Indian Health Services in Alberta, but many of our people have never seen them. Instead, any passing missionary, Mounted Policeman and government employee has acted as dentist to relieve our conditions. Their intentions were undoubtedly good but they left many dental "cripples". And even in cases where proper dentists were available, many of our people had many or all of their teeth removed and no dentures provided. This is particularly bad on reserves where we have little or no band funds and cannot afford the expense of dentures. We believe that the financial position of the patient should be a primary consideration when providing dental care and that greater assistance should be given in making dentures available to those who need them.

The dentists who visit us, particularly in remote areas, are often over-worked and perform all the functions which would not be expected of them in a non-Indian community. Therefore we recommend that dental teams, consisting of a dental nurse, dental technician and dentist, be organized and that they be provided with suitable equipment and transportation so that they can give greater service to those of us who live in isolated areas.

We also believe that our people should be given more training so that we can look after our own teeth. This could be done with an extensive program of dental health education.

RESOLUTIONS ON HEALTH

32. Be it resolved that the government consider every means of supplying additional health services to Indians and that proper health services should not be denied the Indian individual because he has inadequate funds to pay for the high cost of medical care.

33. Be it resolved that all former medical and hospital services to treaty Indians be restored and continued to treaty Indians who are working outside their reserves, regardless of the time they have been away.

34. Be it resolved that all dispensary services, such as prescriptions and drugs, be continued to treaty Indians.

35. Be it resolved that the proper authorities be asked to have the travelling nurses visit the homes at more frequent intervals and, if necessary, to increase the staff so that this may be done.

36. Be it resolved that nursing stations with adequate accommodation and staff be established at all remote reserves.

37. Be it resolved that Indian Health Services be asked to enlarge the present Morley hospital at government expense to meet the needs of the present population.

38. Be it resolved that the medical authorities be asked to admit sick treaty Indians to hospitals at any time of the day or night, when the sick are brought in.

39. Be it resolved that welfare services assist in taking care of persons who have undergone operations for chest TB until they are able to assume normal physical activities.

40. Be it resolved that the Indian Health Services employ a sufficient number of qualified dental teams, consisting of a dental nurse, dental technician and dentist, to provide adequate services to adults and children in all Indian communities, and

Furthermore that an extensive program of dental health education be introduced to teach the prevention of tooth decay to the Indian people.

41. Be it resolved that bands do not want their Family Allowances stopped when children are in hospital, particularly for a short period of time.

WELFARE

At the time of the treaties, our people made certain requests regarding welfare. Commissioner Morris replied: "I cannot undertake the responsibility of promising provision for the poor, blind and lame. In all parts of the Queen's dominions we have them; the poor whites have as much reason to be helped as the poor Indian; they must be left to the charity and kind hearts of the people."

Welfare services as we know them now were almost unknown to the general public in those days and such assistance was left to individual charity. Governor Morris felt therefore that the Indian should be treated the same as the white person in matters of welfare. The statement "the poor whites have as much reason to be helped as the poor Indian" is a clear implication that the opposite would also hold true, ie. that the poor Indian has as much reason to be helped as the poor white.

However, over the passing years, welfare assistance in the non-Indian communities has made great advances, but we do not feel that it has been comparable among our own people. This is particularly noticeable since the provincial governments have taken over much of this country's welfare responsibilities. In Alberta, certain clauses in its Welfare Act are designed to specifically exclude treaty Indians who live on reserves.

If our people are to receive the same treatment as non-Indians in matters of welfare assistance, we feel that present relief payments should be thoroughly investigated. At present, an Indian family of two adults and seven children in Alberta receives \$109 a month, or more than twelve per cent less than the payments to non-Indian families of the same size.

In addition, a non-Indian may receive shelter and utilities allowances, water, family allowance payments, and clothing, without having them deducted from his relief. They also may earn up to \$18 per adult or \$36 a month for the family. A non-Indian family of nine therefore might obtain more than \$205 a month in relief and earnings as well as utilities, clothing and other aid.

This is far more than the aid given to our people, and many of the forms of assistance made available to non-Indians are not received by us. In some cases, we feel that the amount of assistance given to non-Indians could be just about double what we receive. However, we do not have sufficient figures nor the experience to make a competent survey of the two types of welfare.

Today, the average Indian on his reserve has a standard of living which is considerably beneath that enjoyed by persons in surrounding communities. (Note: Evidence of this is offered in questionnaires and other data submitted to this Committee.) Poor housing, insufficient food, lack of modern facilities, inferior educations with the resulting lack of employment opportunities, and many other factors are contributing to this situation.

It is inevitable that if persons with an inferior standard of living are surrounded by those with better standards, there is bound to be ill feeling and discontent. And, if those from a poorer standard attempt to move to the other community, a great many difficulties will arise. This is the situation that our people often face. Many of us have not had experience with modern sanitary and economic conditions. This, added to the natural problems of language and education, force us to gather in the poorer areas of cities and towns until we are generally identified with that section of the community. Gradually, a situation which is really an economic problem gradually becomes a racial one, and the average citizen comes to consider our people generally as poorer class individuals.

We feel that the standards of living must be raised on our reserves until they are on a par with the surrounding communities. Only then can our people as a whole mix freely and on an equal basis with our non-Indian neighbors. We feel that the standards can be raised only by a broader and more intelligent welfare program. It requires more attention to our problems as individuals, rather than as a race, and must be designed so that the present hardships peculiar to our people are eliminated.

We have ascertained that communities such as Calgary have approximately one trained government social worker for every 4,500 persons. These include all levels of government. In addition, such organizations as rehabilitation centres, creches, etc., have many more trained persons so that the total figure is probably closer to one social worker for every 2,000 persons. In Alberta, we have one social worker for 18,525 Indians.

We feel that our social problems are more complex than in white communities and the ratio of trained welfare personnel per Indian should really be more than that supplied to non-Indian communities. However, we are recommending that the government should attempt to provide one trained welfare worker for every 2,000 Indians in Alberta, rather than the present inadequate arrangement.

We also feel that the principle of supplying welfare assistance from band funds is basically wrong. The whole concept of welfare assistance in the present era is that the fortunate help the less fortunate, or that the poor are aided by assistance from persons in better circumstances. However, band funds may vary from a few dollars to more than a million dollars and the resulting welfare varies accordingly. The wealthier bands use a great deal of their funds for welfare purposes while it would actually serve a much more useful service if it were used for more permanent rehabilitation. This would include helping to

place young farmers on new land, encouraging local industry, and other projects. In addition, the band councils which administer this relief are not trained in this field and cannot be expected to provide assistance to the benefit of all those who require it. Rather, the knowledge of trained personnel is required for such work.

The problem is further complicated by the fact that bands with little or no funds are often given government welfare assistance which is superior to that provided by bands with sizeable funds. The mere fact that a reserve has large band funds does not mean that the individuals who live there are prosperous. The money is held in trust in Ottawa and is used only by the band as a whole. The individual still may be destitute even though his band is considered to be wealthy. We feel that it is improper for the Minister to be able to make expenditures from such band funds when the responsibility for welfare actually should lie with the government itself.

Our band funds were built up primarily through the surrendering and exploiting of our reserves, and this money should not be expended simply to relieve the government of one of its moral obligations. Canada provides assistance through the Colombo Plan and other grants to aid underdeveloped countries, but our own reserves are expected to find a way of looking after our own underdeveloped people.

We therefore ask that Section 66(2) of the Indian Act be revised. At present, the pertinent portion states: "The Minister may make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band. . ." We recommend that this be changed by the removal of the words "to assist sick, disabled, aged or destitute Indians of the band and."

This, of course, should be followed by a broader welfare program on the part of the government. According to figures provided to us, approximately 43 per cent of our people in Alberta receive relief at some time during the year. To receive full relief assistance, it is necessary that the applicant's income be less than \$150 a year, or 41 cents a day. This will give some indication of the welfare problem in existence among our people.

We feel that the first place to start a general program of rehabilitation is on our reserves. Housing is probably one of the most acute problems and in this respect we are grieved by the present day program. According to the most recent figures, a total of 782 houses were built on reserves in Canada in one year from welfare funds at a cost of \$1,072,487. If the figures provided to us are accurate, it would indicate that the average cost of each house was \$1,370. And we know from experience that many of our welfare houses cannot be considered adequate in any sense of the word.

In addition, we feel that too little consideration has been given towards attempting to maintain a standard of housing which would prevent the near-slum conditions which have arisen on some reserves. Also, suitable wells, sewage disposal and other health matters are often overlooked.

We therefore recommend that the government investigate the whole matter of housing on Indian reserves with a view to improving the standards. This could be accomplished through the construction of better welfare houses and providing some form of assistance for other types of housing.

And, in concluding this section on welfare, we have two general recommendations regarding our reserves. First, we ask that the government establish a telephone on each of our reserves wherever physically possible. We feel this is absolutely necessary in cases of fire, accident or sickness. At present, however, many of our reserves are without this service.

The second deals with the repayment of loans made for farming operations on our reserves. At the present time, if we borrow money from band funds, the total amount of any interest money, lease or oil money paid to the members of the band can be retained for repayment of this band loan.

We feel that this places an unnecessary hardship upon us, as many of our people rely upon these payments as a part of their annual income. Even in non-Indian communities we understand that only a portion of a person's income can be taken for payment of a loan. Therefore, we recommend that the sum taken be limited to two-thirds of the total amount, with one-third going to the individual.

RESOLUTIONS ON WELFARE

42. Be it resolved that the Government of Canada should attempt to place one trained welfare worker for every 2,000 Indians, rather than Alberta's present arrangement of one worker for 18,525 Indians.

43. Be it resolved that Sec. 66 (2) be revised, with the mention of sick, disabled, aged or destitute being struck out, so that all pensions or services offered to non-Indians in Canada would be paid to Indians from provincial or Federal Funds, and

Furthermore that a special study be made by the government to ensure that such equality is established.

44. Be it resolved that the government be urged to improve the whole standard of housing on Indian reserves by providing more funds for better welfare houses and assistance for other types of housing.

45. Be it resolved that the Government of Canada establish at its own expense, wherever physically possible, a pay telephone on each Indian reserve, suitably housed, and located at a site approved by the band council.

46. Be it resolved that the contract for repayment of money advanced to Indians out of band funds and known as "Farm Assistance and Assignment" be amended as follows:

That paragraph 3 provide for the authorization of the Superintendent of each Indian Reserve to retain out of the borrower's share of any funds to which the borrower may be entitled from Capital or Revenue money, a sum limited to two-thirds share of said funds due the borrower from time to time and not the whole of the said monies as is now provided for in paragraph 3 at the bottom of the said form.

EMPLOYMENT

Since the organization of this Association in 1944, we have been aware that one of the basic problems facing our people has been the lack of employment. When 43 per cent of our people in Alberta receive some form of relief each year, it is obvious that employment is a constant source of concern.

In an effort to obtain more information on this subject, the Association circulated questionnaires to all the reserves in Alberta. (Note: These have been submitted as Evidence.) The information, as provided by chiefs, councillors and other interested Indians, was quite shocking, although not unexpected. The figures from the replies received indicate only a relatively small number of persons permanently employed on their reserves. Most of these are in agriculture or are employed by the band as school bus drivers, road graders, stenographers, etc. Some are also engaged in trapping but practically none can make a living solely from this occupation with the present depressed state of the raw fur industry. The remainder eke out an existence through temporary work or exist through relief payments.

We believe that a great many opportunities for employment and for the establishment of small industries exist upon our reserves. However, no comprehensive survey has ever been made and no general policy has ever been introduced to encourage the greater development of our reserves.

We might point out that this matter was investigated fully in the United States and the commissioner reported as follows:

"Our present program in essence is to develop the Indian land resources as fully as possible so that they will provide maximum support for those who want to make a living directly from the land, to make new job opportunities and appropriate training available to those who prefer to make their living in industry or some other line of work . . . Education of course is vitally important in this whole undertaking—adequate education of all Indian children of normal school age, vocational training to improve the earning capacity and economic prospects of adults who lack basic job skills, literacy training for adults who have an inadequate command of English. The goal in short is to give the Indian people at long last the kind of opportunities which other American citizens traditionally enjoy."

We have no information on the success of the American policy, but certainly the aims mentioned are the same as those which we feel should be introduced in Canada. Therefore, we are asking that a competent study be made of the human and natural resources of our reserves with a view to their greater use and productivity.

We also recommend that encouragement and financial assistance be given to assist in the introduction of small Indian-operated business to our reserves. We feel that, if properly guided, we could have our own logging and lumbering enterprises, milk ranches, tourist shops, garages, barber shops, and other forms of business.

Greater employment could also be provided for our people by introducing regulations which would require any firms leasing timber, minerals or land on our reserves to give preference to Indian labor at all times. There have been numerous cases where timber operators and others have employed non-Indian labor while working on our reserves.

Another field on our reserves where more of our people might be employed is in the government service. We realize that at the present time the government gives preference to Indians who qualify for positions in the Indian Affairs Branch. However, we feel that this might be broadened to give information and encouragement to younger people so that they can train specifically for such positions. The prestige of having Indians in responsible positions on our reserves would do much to encourage our people. It would show the younger people the advantages of proper training and would be a concrete example for others to follow. We hope that the day will come when the entire Indian Affairs Branch will be made up of Indian employees.

The employment situation in some areas requires a most detailed study. This is particularly true in the north, where our people have lived for generations by hunting and trapping. Now that the prices for furs have become depressed and big game in some areas is insufficient for providing food, many of us are in dire poverty. There does not seem to be any solution to our problem if everything is left the way it is now.

We realize that the government has been faced with problems such as this in non-Indian communities and usually acted quite quickly. When the coal mining industry became depressed in such areas as Nova Scotia and western Alberta, the government took steps to find alternate employment for the miners.

When the prices or markets for certain agricultural products, textiles and other commodities were causing economic problems, the government responded by providing subsidies or other assistance to meet the situations. But when the price of furs dropped and many of our hunting areas became depressed, nothing was done to help us.

Therefore, we recommend that a thorough study be made of the economic conditions in areas where our traditional means of making a living are no longer practical. This study should be the initial step in relieving the situation through alternate employment, subsidies or some other form of assistance.

We feel that the whole problem of employment should be dealt with from the time children enter school until they are successfully placed in jobs. Guidance officers should visit Indian pupils in their schools and give them individual attention to determine their interests and aptitudes. Files on each pupil should be started at this time and maintained throughout the person's whole career, as a guide in placing him in jobs and recording his progress.

When children leave school, the placement officers should do everything in their power to encourage them to follow the vocations to which they are most adapted and to provide assistance in locating jobs for them. Those who show particular interest and ability should be encouraged to enter university and to enter such professions as teaching, medicine, nursing, etc.

We feel at the present time that the amount of attention given to such placement is very small. One or two placement officers cannot be expected to provide individual attention to all our young people, yet this is what they are trying to do. The results can be seen in figures provided by the government. In the 1958-59 year in Alberta, only thirty-four Indians were receiving provincial and vocational training. This included seven who were on the job training in industry, six as stenographers, five as nursing aides, four as commercial artists, four in secretarial work, two in nursing, and one each in clerical work and as recreational supervisor. During that same period, only nineteen pupils were in grade 12, and thirty-eight in grade 11. From a population of 18,525 Indians, this would appear to be an extremely small percentage who are being prepared for future vocations.

If an intelligent educational and vocational program had been adopted many years ago, we could have our young people trained so that they could compete in this modern world. Probably it is already too late for some, but we want you to consider our future generations and to give them the kind of encouragement, training and assistance which will make them capable of obtaining gainful employment.

For that reason, we are asking that the government undertake a comprehensive plan to educate and train our people for employment on and away from our reserves. This includes academic, vocational and agricultural training. We also ask that this be followed by greater efforts in placing our young people in jobs in the fields in which they are trained. This would undoubtedly mean an increase in the number of placement officers now provided by the Indian Affairs Branch. And finally, we ask that thorough records be kept to follow the careers of our people who enter the business and professional world so that future assistance and guidance can be provided to them.

We have been pleased with the efforts in recent years to provide agricultural and vocational short courses to our people at such places as the Olds School of Agriculture. We feel that this is commendable and should be continued and expanded. Such training which is made available both to younger people and as a form of adult education is a great encouragement to us. We would ask, however, that some arrangements be made to issue certificates to those persons who successfully complete such courses. We realize that these

would not be comparable to completion of apprenticeship or long-term training, but they would be an indication to our graduates that their efforts were bearing fruit and could act as an inducement for them to continue training in their particular field.

We also feel that assistance should be given to help pupils from these short courses to continue training in technical or vocational schools.

Some steps already have been taken to train our people to be carpenters, but as yet we know of none who have been given sufficient encouragement or assistance to become journeymen in this profession. We are told that six Indians in Alberta have obtained employment away from their reserves in the construction field and that seventeen are working on house construction on their reserves. However, these people should be entered as apprentices under a regular program designed to train them to become journeymen carpenters. We feel that the present arrangements are a good beginning but should be carried on to their natural conclusion.

We also believe that our people have shown a particular aptitude towards mechanics and that this should be encouraged. At the present time, there is not one Indian-operated garage on any of our reserves in Alberta, yet our people spend many thousand of dollars a year for automotive and machinery repairs. We feel that it would be not unreasonable to expect that some of our people could become sufficiently trained and educated in mechanical work to set up profitable businesses on their own reserves. However, the proper guidance and assistance is needed if this is to be done.

A similar situation exists with respect to placing young farmers on new land. On many of our reserves we have land that would be suitable for agricultural purposes, but we need the financial assistance and encouragement if such projects are to be started. In this modern world, it takes a great deal of machinery for a person to successfully farm a piece of land. The day is past when all he needed was a team of horses and the will to work.

On one of our reserves, we started a plan which seemed quite reasonable but which was later halted by the government. This reserve had several large areas which had not been cultivated and at the same time there was a number of young people who wanted to farm but did not have the capital. Therefore, an arrangement was made whereby the virgin land was leased to non-Indians for a limited period of time with the understanding that any moneys accrued from this lease would be placed in a special fund. At the termination of the lease, the intention was to place young Indian farmers on the cultivated land and to loan them money from the lease profits to help them to purchase equipment. However, this plan was dropped during the lease period and the moneys placed in the general band funds. To our knowledge, this land is still being leased to non-Indians and no young farmers have received any particular assistance or encouragement because of it. It is such incidents as this which cause us so much discouragement.

A tour of our reserves in Alberta would show that a considerable amount of our land is suitable for agricultural purposes but has not been cleared or broken. And, in many cases, large areas are leased to non-Indians. The money obtained from this source goes into our band funds to help pay for relief and welfare assistance to our unemployed people, many of whom would like to farm. It costs a great deal of money for a person to start farming, but an intelligent leasing program could have obtained funds for this purpose years ago.

We feel that any attempts to start Indian-operated industries or businesses on our reserves should be encouraged. This should not merely be lip service, but an active effort to see that such businesses are properly financed and maintained.

We believe that our people should be encouraged to make improvements and to expand farming or other commercial activities already existing on our reserves. But, as in non-Indian communities, all projects such as these require capital which can only be obtained through a loan. If a reserve has any band funds, the council is expected to run a loan office; if it has none, the person requiring a loan often is out of luck.

Our councils are unfamiliar with such business practises as making loans, collections, etc., or in gauging an Indian's chances of success or failure. Instead, there is a tendency to provide loans of more or less fixed amounts to everyone. In addition, band funds are constantly being depleted by "pity loans" made to its members. We therefore recommend that the government make a revision in the Indian Act to provide for the loaning of money to Indians on their reserves. This money would be from the Consolidated Fund rather than band funds. If for any reason an application is refused, then we feel the applicant should approach the band council. The council could decide if local circumstances warranted them making the loan from band funds.

A similar situation exists for Indians who wish to become established off their reserves. We realize that a fund has been set up but only ten persons have used it in Alberta because of the conditions or requirements. One of these is that an Indian must live in an isolated area where banking or credit facilities are not available. However, it is very difficult for a treaty Indian to obtain a loan in a city or town, even when he has shown himself to be a good risk.

Recently, a man from one of our reserves became established in a city and, after fifteen years of continuous work, he desired to purchase a house. The government would not loan him money from its revolving fund and, after he applied to his band for a loan, the government suggested that he give up his treaty status so as to obtain his treaty money and per capita share in his band funds. This they said, would give him the money he sought. Frightened by the thought and the knowledge that Sec. 112 is still in the Act, he gave up fifteen years of work and returned to his reserve.

We recommend that a revolving fund be established by the government to make loans to Indians who are gainfully employed away from their reserves. These loans would be of assistance in starting businesses, purchasing homes and in many other ways.

Employment is a major problem that should be solved or relieved without delay. A careful study must be made of the resources of our reserves, the economic conditions which surround them, and the other factors which can provide a clue to the solution of this problem.

RESOLUTIONS ON EMPLOYMENT

47. Be it resolved that the Government of Canada make additional efforts in the field of employment in the following manner:

1. To undertake a competent study of the human or natural resources of the reserves with a view to their greater use and productivity;
2. To undertake a comprehensive plan to educate and train Indians so that they may be employed on or off the reserve;
3. To provide more assistance in placing Indians in jobs in the fields in which they are trained;
4. To watch and record the careers of Indians who are properly educated;
5. To place more Indians in government jobs on their reserves;
6. To encourage the introduction of small industries on the reserves, such as garages, barber shops, lumber mills, milk ranches, tourist shops, etc., operated by Indians;

7. To require any firms leasing timber, minerals or land on Indian reserves to give preference to Indian labor; and

8. To undertake a study of the economic conditions in areas where the traditional means of making a living (such as trapping) are no longer practical, with a view to providing alternate employment.

48. Be it resolved that the I.A.A. urge upon the Dominion Government that they instruct the Indian Affairs Branch to give particular attention to the work of the placement officers who are already working among the Indians, and particularly that they instruct these officers to keep a regular two-week record of their supervision of each Indian over at least a two-year period in order to make sure that he has a record of continual employment following training.

49. Whereas special courses have in many cases been set up for Indian pupils by schools such as the Provincial Institute in Calgary and the Olds School of Agriculture.

Be it resolved that the I.A.A. urge upon the Dominion Government that they request such school authorities to issue certificates to Indian students on completion of such special courses.

50. Be it resolved that the I.A.A. urge upon the Dominion Government that as a long-range policy it should bend its utmost energies to develop to the largest extent the possibilities of employment on the reserves themselves.

51. Be it resolved that a new clause be added to Sec. 64 (h) so that all requests for loans would be made to the Consolidated Fund rather than to band funds, AND

Futhermore that if any such applications are turned down by the Consolidated Fund, full details and reasons be provided to the band, so that it may then consider making the loan from band funds.

52. Be it resolved that the Government of Canada be urged to establish a revolving fund for the purpose of making loans to Indians gainfully employed away from their reserves.

HUNTING, FISHING AND TRAPPING

Before the coming of the white man, all of our people lived by hunting and fishing. These occupations have always been of great importance to us, and in many areas today it is our primary means of obtaining food.

For that reason, we have been very disturbed by the actions of provincial and federal governments, which have often ignored both our economic conditions and our rights. we feel that certain guarantees were given to us in our treaties, and we also feel that these have been grossly abused by restrictive legislation, particularly on the part of the provincial government.

But this is not our main basis for complaint. Rather, it is our economic condition which alone should be sufficient reason to consider our pleas. Many of our people do not have the education or the opportunity to follow any other vocations besides trapping, hunting and fishing. We have reserves in areas where practically no other occupations are available to us. We see that the government subsidizes many other forms of industry which employ white people and have become depressed, yet the basic industries which brought about the settlement of Canada are ignored.

As the opportunities for hunting, fishing and trapping become more and more limited, we feel it is only right and fair that the Indians have the first chance to remain in these fields. Where feasible, traplines should be operated by Indians, and commercial fishing regulations should be designed to encourage, rather than to restrict, reasonable participation by our people. We also feel

that our people should be given the same rights as non-Indians, whether mink farmers or commercial fisherman, in the field of commercial fishing.

The present system of zoning lakes in Alberta and Saskatchewan for commercial fishing has also placed a hardship upon us. Many of us depend upon this means for making a living, but if a lake in our area is closed for commercial fishing, we are not permitted to travel to a lake in another zone and obtain a commercial fishing licence. This has meant a loss of livelihood for our people who often have no alternative employment available to them.

The restrictive regulations affecting our people have been particularly onerous where our hunting rights are concerned. Attempts have been made to completely ignore our treaty rights and in many cases these have been successful. We felt that the test case, *Rex vs. Wesley*, established once and for all times our rights to hunt big game on our reserves and unoccupied Crown lands in Alberta. But there have been numerous incidents where game was seized by provincial game officers or where our people have been ordered away from Crown lands that are under leases.

We do not feel that the issuance of a logging or grazing lease necessarily changes the status of unoccupied Crown lands, and this has been confirmed by provincial and federal government officials. Yet we fear that this is not always honored by the officials in the field.

When Governor Laird spoke to our people during the negotiations for Treaty Six, he made this promise: "You want to be at liberty to hunt as before. I told you we did not want to take that means of living from you, you have it the same as before, only this, if a man, whether Indian or Half-breed, had a good field of grain, you would not destroy it with your hunt."

We therefore ask that we have the right to hunt without restrictions on unoccupied Crown lands open to treaty Indians, regardless of whether these are under logging or other leases. We also feel that at the time a lease is issued, it should be clearly stated to the leasee that we have this right.

We also feel that our rights are being infringed upon by the provisions of the Migratory Bird Regulations which are under the Migratory Birds Convention Act. This is international legislation, but was agreed to by the Canadian government in direct violation of our treaty rights.

Under Sec. 5 of these regulations, we are not permitted to "kill, hunt, capture, injure, take or molest a migratory bird at any time except during an open season" even upon our own reserves. We feel that these reserves were given to us for surrendering our rights to the remainder of our hunting grounds and we should be excluded from the provisions of these regulations while hunting on our own reserves. Governor Laird promised us this, and more, when he said "you have it the same as before".

Many of us must hunt or starve. If we are to be encouraged to look after ourselves, we feel that the federal and provincial governments should do everything possible to encourage us. It is very difficult these days to be self-supporting when living in the bush, but we feel that our situation could be eased by more considerate legislation.

We therefore recommend that the Federal Government be urged to investigate the whole question of hunting, trapping and fishing, with particular attention being given to our economic dependence upon these occupations, and the relationship of restrictive legislation to our treaties.

Finally, we must mention a situation which we often encounter. We have been accused by government officials and wildlife associations of poor conservation practises and therefore they feel our participation in the fields of hunting, fishing and trapping should be limited. However, we need only to point out that the destruction of the great buffalo herds in the last century was done by white men. We had lived from, and lived with the buffalo for generations, yet the white people destroyed countless millions of these animals in a few years.

Passenger pigeons, the whistling cranes and the trumpeter swans were also common in our land, but now they have all but disappeared.

And, in the present day, the so-called white "sportsmen" probably wound or leave rotting in the forests and lakes as much wildlife as the whole Indian population kills for food.

Rather than being discriminated against because of the feeling that Indians sometimes are poor conservationists, we would think that a general educational program dealing with this specific subject should be introduced, and that it apply to non-Indians as well as our own people.

RESOLUTIONS ON HUNTING, TRAPPING AND FISHING

53. Be it resolved that the proper authorities be asked to enforce our treaty rights to hunt without restrictions on lands open for that purpose to treaty Indians, whether these lands are under logging or other lease.

54. Whereas the operation of the Migratory Bird Regulations is contrary to treaty obligations assumed by the Crown on our behalf.

Be it resolved that the operations of these regulations be suspended within the limits of Indian reserves.

55. Be it resolved that we be permitted to secure commercial licenses for fishing in any lake in Alberta or Saskatchewan, and

Furthermore we ask that no concession be given to non-Indians, whether mink farmers or commercial fishermen, unless the same and equal privileges are extended to treaty Indians

56. Be it resolved that the Federal Government be urged to look into the whole question of hunting, trapping and fishing, with particular reference to our treaties, our economic dependence upon these occupations, and restrictive provincial and federal regulations.

CONCLUSION

We realize that this is a very detailed and lengthy submission, but we have tried to take full advantage of this opportunity to bring our problems before this Committee.

We ask you to abide at all times to honor our treaties and to remember that we have always been faithful to our promises to the Queen. If the government will give us the things we ask in better education, health, welfare and other services, we realize that will mean an increased expenditure of funds by the Department of Citizenship and Immigration. However, we would humbly point out that we peacefully surrendered to the Canadian government thousands of acres of land which is now the source of oil, agricultural products and other goods. Canada placed a large investment in this area and it is now bearing fruit as a productive land. The money invested in our people will also be productive in giving Canada more useful native citizens whose contribution will be to the economic and cultural life of this country.

As a final comment, we might state that the feeling of fear and suspicion will continue to exist among our people for years to come. Only honorable treatment and a sincere effort to help our people will bring about a change in this attitude.

At present, however, we are still fearful that unpleasant or further dictatorial measures may again be forced upon us, so we conclude with the following resolution:

57. Be it resolved that any revisions or amendments to the Indian Act not be introduced to the House of Commons until they have been sent to all Indian bands and Indian organizations in Canada so they will have an opportunity to study and comment upon them.

APPENDIX I

A short review of the results and effects of the Allotment Policy of the United States which is similar to our present Enfranchisement Policy regarding Canadian Indians.

by

Mrs. John C. Gorman

The American people and the American Government's relationship with their Indian people has not been as friendly, co-operative or advantageous to both parties as has the relationship of the Canadian Government and people with the Canadian Indian.

However, it must be remembered that because the United States was occupied by whites at an earlier date they have dealt with the problem over a longer period.

The early Canadian Governments, with a fine sense of British justice, co-operated with the Indians while settling the country. Long conferences were held with the Indians' leaders, and government men of the highest caliber were sent to explain and talk with the Indians before any treaties or occupation took place. The result was that Canada avoided the expensive and disastrous Indian wars suffered by the Americans and the expensive litigation over existing treaties. One of the many cases heard under the American Claims Commission cost the American tax payers 31 million dollars. So Canada's policy of dealing on a co-operative basis with the Indian paid off, in that it did not create bitterness between races and it actually saved our government money.

The American governments in 1887 passed an act applying to their treaty Indians known as the General Allotment Act, or sometimes as the Dawes Act. By this Act the Indian land on reserves was allotted to individual Indians and he was, after a period allowed to dispose of this land as an individual. This section is similar, in fact almost identical, to section 110 of the present Canadian Indian Act and which the Alberta Indian Association is asking be repealed.

The allotment act also offered citizenship to any Indian who had voluntary by taking up residence within the territorial limits of the United States *apart from his tribe* and adopted the habits of civilized life; and to an allottee as soon as he received a paper (improperly called a patent) showing that at a future time he would secure a regular patent fee or full title to land. In other words they told an Indian if he would voluntarily leave his reserve (or our enfranchisement) he would get citizenship privileges and also receive a title to land which was set at 80 acres of cultivated or 160 acres grazing land. This document was negotiable and was immediately transferred by many Indians to cash.

The American section of the Allotment Act making an Indian a citizen is similar to section 12 (iii) and to section 109 of our Canadian Act and the cash payments to be made are similar to section 15 (a) and (b) of our Indian Act.

In other words there is a very great similarity between sections of the present Canadian Indian Act and the Allotment Act of the United States.

We are indeed fortunate that the American Act was implemented in 1887 because it allows us to study the effects of such legislation and to see if we are pursuing a wise and beneficial policy of enfranchising our Canadian Indians and I would like to make it clear we speak only of the legal definition in the Act and not of granting the vote or franchise. In 1948 a report was made by

an American Committee on Indian Affairs to a Commission on Organization of the Executive Branch of the Government, and a former Secretary of the Interior Senator Henry M. Feller of Colorado, reported that most allottees had lost their land. By 1933 the figures showed that 91 million acres of Indian Lands had been sold by Indians and the 1933 report of the Secretary of the Interior shows that over 90 thousand Indians were landless and wandering around the country destitute.

The American Hoover Commission on Indian Affairs then reported:

"...the mistaken belief that the destruction of tribal organization and culture would bring about or at least hasten the acquisition of white "civilization." ...People move from one base to another, and move slowly. The loss of an existing base before the new base has been consolidated means simply frustration and degeneration of tribal organization and tribal property, and the hostility to all Indian ways and culture that characterized so much of Government policy now appear to have been a mistake which defeated rather than furthered the Government's ultimate objectives."

And they went on to say "If the ninety million acres lost through the allotment process (which is similar to our present enfranchisement sections in the Canadian Indian Act) had remained in Indian ownership the problem of poverty among most tribes could have been solved with less difficulty and with more certainty today and assimilation would take place at a satisfactory level and a minimum of public expense."

The general public in the United States as well as governments and special Indian Committees became aware of the effect the disastrous allotment act had on the Indian's life. Homeless Indians merely seeking welfare relief and unsuited to our civilized life who had left the reserve simply to receive increased welfare benefits and a payment of land or its cash equivalent were creating a major problem. They lived unhappily in slums they had created, crime had increased and they were creating a major and insolvable welfare problem in the municipalities. In June 1934 the American government passed the Indian re-organization Act and repealed the disastrous allotment act. After 47 years of experiment and failure it was abandoned. That is why the Alberta Indian Association is asking this committee to study this American policy. Why should this Government continue to follow a policy set down by previous governments. A policy that has been proven disastrous to Indian and taxpayer alike. It resulted in the American taxpayer having to pay millions of dollars in relief to Indians. 40 million dollars had to be spent by the American government recovering and relocating Indians back on reserve lands.

It would be improper to leave American Indian policy with the passing of the I.R.A. Act in 1934. In 1955 the American Indian Bureau, under a new commission, launched a new program known as termination. A system by which they hoped to remove the Departments control and relocate the Indians off the reserves. A return to the old policy; this was because World War II put an end to purchase of further reserves for Indians and a tendency grew to sell Indian land to white persons. However, the American Congress are, this time, carefully refraining from removing Indians from reservations unless the tribe as a whole requests it. In 1958 Congress did not pass a single termination bill where it was in any way opposed by the tribe effected, and before the Congress now is a bill resolution 1555 which requests that a 4 point program that will be implemented to improve Indian conditions and which specifically states "Without exacting termination of federal protection of Indian *property* or any other Indian *rights*". So it would seem no one wishes allotment or termination of Indian rights in the States.

However, this study should show by facts and figures, the proven disastrous effect of a policy which allows the Canadian Indian to enfranchise or leave the reserve within the meaning of the present act and for our government to continue to bribe him by offering him treaty payments in a lump sum, large sums of money from tribal funds or land. You will only be creating a further tragic problem in communities and one that will cost more to rectify than it would have cost to raise the Indians' standard of education and his ability to become self supporting in his own reserve.

Scale of Miles
0 20 40 60 80 100
Indian Reserves
and Settlements -

201 - 2016 CHIPEWYAN

AGRICULTURE

Agency	How many Indians wish to farm but do not	Why not?	How many			Horses on Reserve	Indians' own cattle	Indians' own horses	Have vegetable gardens	Have tractors
			Season short—soil not suited.....	Individually owned cattle herd	Cattle in band					
Althabasca-Ft. McKay	None	Season short—soil not suited.....	None	None	None	10	None	7	None	None
Black Foot Glacier	100	Lack of funds.....	300	None	None	300	8	4	12	100
Edmonton-Alexander	All	No means—no power.....	2	2	2	44	2	18	17	2
Beaver Lake	1	No implements	7	13	13	19	10	9	19	None
Heart Lake		Bush no Tractor	4	None	None	9	1	5	None	None
Ma-Me-O Beach	8	No support from Band	1	4	4	13	1	4	7	None
Paul's Band	23	No Power	2	23	23	75	9	23	48	1
Hobbema Erminskin	None		73	None	None	75	20	30	60	30
Samson	15	Land not avail. in 1/4 section.....	300	None	None	150	All	130	143	143
Lesser Slave-Drift Pile	15	No machinery—no help	10	1 Bull	1 Bull	60	10	20	15	2
Sawridge	6	No equipment	None	None	None	5	None	1	1	None
Sucker Creek	23	No equipment—no money	35	1 Bull	1 Bull	60	8	18	10	4
Swan River	5	No farm loans	40	None	None	17	1	6	9	3
Saddle Lake-Cold Lake	5	No machinery—no money	14	None	None	100	14	33	33	14
Stony-Sarcee Bears paw	None	Not farm-Land	23	None	None	400	23	52	24	3
Bighorn	None	Land not suitable	None	None	None	120	None	35	10	None
Wabamun Paul's Band	None	No power	10	33	33	110	7	42	All 66 Fam.	None
Lesser Slave-Bigstone	10	No machinery impassable road	60	96	96	115	15	80	All 132 Fam.	2
Gregoire Lake	Some	No money	None	None	None	2	None	1	2	None
Large numbers No equipment										
			700	None	None	175	67	55	80	25
Sarcee	All	Running into debt for seed	30	1,000	1,000	200	30	20	10	10

BAND

Agency	Who pays Ch. and Councill.	Chief	Coun- cillors	How much in Band fund	How much in trust funds	Does sup. live on reserve	How often does he visit reserve	How often homes	How often we work. Visit resi- dent on reserve
		\$	\$	\$	\$				
Atabasca-Ft. McKay.....	Gov't	25.00	15.00	Nothing	Nothing	No	Once a year	Never	Once a year
Black Foot-Gleichen.....	Band	40.00	30.00	130,354.89	1,739,710.77	Yes	—	—	Once a year
Edmonton-Alexander.....	Band	35.00	30.00	226,431.65	20,648.16	No	Once a year	Never	Never
Beaver Lake.....	Gov't	20.00	10.00	Not known	Not known	No	—	Every visit	Once a year
Heart Lake.....	Neither	Nothing	Nothing	3,572.90	2,463.79	No	Once a year	Never	Once a month
Man-ne-o-Beach.....	Band	Don't know	Don't know	Don't know	Don't know	No	Very seldom	Never	Never
								Our Chief & councillors tell us nothing	
Paul's Band.....	Band	20.00	20.00	Capital 206,160.37	None	No	Once a month	Never	Never
Peabody-Lethbridge.....	Band	20.00	20.00	766,434.94	Don't know	Yes	—	Daily	4 time year
Samson.....	Band	20.00	20.00	Capital & c 1,078,987.83	Revenue 77,027.90	Yes	—	—	Twice year
Lesser Slave-Drift Pile.....	Band	20.00	15.00	54,344.11	None	No	Never	Never	Never
Sawridge.....	Gov't	20.00	10.00	7,090.94	4,725.15	No	About every 3 month	—	Never
Sucker Creek.....	Gov't	20.00 from band	15.00 from band	61,905.43	14,741.57	No	Never	Never	Do not know well, worker never saw one
Swan River.....	Band	15.00	15.00	10,201.00	None	No	Very seldom	Never	Never
Sudbille Lake-Cut Lake.....	—	N O S A L A R I S	—	1,525.00	None	No	3 or 4 times a year	Never	Never
Stony-Sarcee Bear-paw.....	Band	20.00	20.00	70,000.00	380,437.50	No	Monthly	Never	Only when necessary
Bighorn.....	Band	30.00	30.00	Same	Same	No	Weekly	Weekly when possible	When required
Wahman-Paul's Band.....	Band	20.00	20.00	—	—	No	Monthly	—	—
Lesser Slave-Bigstone.....	Gov't	20.00	10.00	Approx. 70,000.00	Approx. 14,000.00	No	Never	Never	Annually
Gregoire Lake.....	Gov't Annuities Per year	25.00	15.00	Don't know	Don't know	No	Annually	—	Never
Sudbille Lake.....	Band	10.00 per meeting	Same as chief	—	—	No	Not very often	Not very often	3 time-a-year
Sarcee.....	Band	30.00	20.00	670,000.00	—	Yes	—	Never	Never

EDUCATION

Agency	How many residential sch. on reserve	How many day-schools on reserve	How many non-Indian day-schools	How many in			Indian on Rls. Are none Indian teachers Fully qualified	
				Grades 1-6	Grades 7-9	Grades 10-12	Teachers	
Athabasca-Ft. McKay.....	None	1	None	28	1	None	None	—
Blakfoot-Gleichen.....	2	None	10	17	Res. pupils	None	None	None
Edmonton-Alexander.....	None	2	None	81	10	4	None	Yes
Beaver Lake.....	None	1	7	22	3	1	Qualified	None
Heart Lake.....	None	None	None	14	2	None	None	Yes
Ma-Me-O Lake.....	None	None	5	5	None	None	None	Yes
Paul's Band.....	None	2	12	81	12	2	None	Yes
Hobbema-Erminkin.....	1	1	None	107	26	5	2	Yes
Samson Band.....	None	None	12	UNABLE TO GET EXACT NUMBERS				
Lesser Slave-Drift Pile.....	None	1	5	56	—	—	None	Yes
Sawridge.....	None	None	7	6	—	1 Gr. 12	None	Yes
Sucker Creek.....	None	None	Grd Edmonton 1	7	14	5 Gr. 10	None	—
Swan River.....	None	None	19	10	9	None	None	Yes
Saddle Lake-Cold Lake.....	None	2	9 day (60 res. schools)	93	11	4	None	3-Qual. 1-Not
Stoney Sarcee-Bears Paw.....	1	3	4	2	42	4	None	Yes
Bighorn.....	None	1	None	9	—	—	None	Yes
Wabamun-Paul's Band.....	None	2	13	81	13	None	None	Yes
Lesser Slave-Bigstone.....	None	None	40	183	7-8-30	None	1-Not on reserve	Yes
Gregoire Lake.....	None	None	6	6	—	—	None	—
Saddle Lake.....	None	1	124	150	23	12	None	Yes
Sarcee.....	None	1	None	35	40	4	None	None

HEALTH SERVICE

Agency	Is medical Service Satisfactr.	Reasons	Hospital on reserve	Hospital used	Doctor living on reserve	Nursing station*	Does med. off. visit and hold clinics regularly	Arc all children immunized?
Athabasca-Ft. McKay	Definitely not	Dr. once a year not alway. once in lifetime.	No	McMurray.	No	Yes	No never see him	No
Black foot Gleichen.	No	Poor Dr. service.	Yes Band own.		No	No	No	No
Edmonton-Alexander.	Yes		No	Chas. Camsell.	No	No	Yes	Most of them
Beaver Lake.	Yes	Not much can be done to change conditions.	No	Lac La Biche.	No	No	Nurse visits month more if N.	Yes
Heart Lake.	Yes	Good medical.	No	Lac La Biche.	No	No	No	No
Ma-Me-O Beach.	No-No	For children only-No adults	No	Hobbema have to pay transport 36 MI.	No	Yes	No	Some
Paul's Band.	No	Nurs comes once a week.	No	Chas. Camsell.	No	No	No	Yes
Hobbema Erminskin.	Yes-No	At times no bed or room patient has to go anyweather.	Yes		Yes	Yes	Yes	Yes
Samson Band.	Yes		Yes		Yes	—	—	About 85%
Lesser Slave Drift Pile	Yes		No	High Prairie.	No	Yes	No	Yes
Sawridge.	No	Used not to pay for medicines-Now must pay.	No	High Prairie.	No	No-one in town	Yes	Yes

Sucker Creek	No	We don't get any medical attend., and we don't like it.	No	High Prairie.....	No	No	No	Some-not all
Swan River	No	Have to pay for medicine tho. provided by Gov't.	No	Providence Hosp.	No	No	Once a week	Yes
Saddle Lake Cold Lake	No	Hospital too far-many can't afford transportation.	No	Bonnyville Cold Lake	No	No	No	Yes
Stony-Sarcee Bears Paw	No	Service very poor. Racial hatred needs to be discussed.	No	Gen. Hos. Calgary. Chas. Camsell.	No	Yes	Yes	Yes
Bighorn.....	Yes	Nurse visits regularly dispenser on reserve.	No	Rocky Mtn.....	No	No	Yes	Yes
Wabamun Paul's Band	Yes		No	Chas. Camsell	No	No	Yes-weekly	Yes
Lesser Slave Bigstone	No	Improper meals at hosp. Few check ups. No dentist.	No		No	No	No-Unsatisfac.	Yes
Gregoire Lake.....	None prov. on reserve		No	McMurray Hosp....	No	No	—	—
Saddle Lake.....	No	To far from hospital.....	No	St. Paul's, Villiva... Three Hills, Alta.	No	No	Yes	Yes
Sarcee.....	No	Band has; o pay for hospital and Medicine.	No	Calgary General.....	No	No	Once in a while	—

HOUSING

Agency	Population	Families	New Houses	New Houses Since 1950	Wells	Septic Tanks	Bathrooms	Electricity
Athabasca-Ft. McKay	124	27	1	1	None	None	None	None
Blackfoot-Gleichen	1,635	300	3	3 Band Loan	—	1 Band Loan	1 Band Loan	4 Owner
Edmonton Alexander	334	51	26	26	13	None	None	None
Beaver Lake	148	28	13	13	9	None	None	None
Heart Lake	41	7	None	None	None	None	None	None
Ma-Me-O Beach	74	13	7	7	8	None	None	None
Paul's Band	365	54	31	31	19	None	None	None
Hobbema Erminskin	593	103	65	60	65	None	None	1
Sainson Band	1,143	200	135	135	100	None	None	None
Lesser Slave Drift Pile	340	85	14	14	4	None	None	None
Sawridge	32	5	None	1 Little Log House	None	None	None	None
Sucker Creek	320	33	16 New Houses	27	None	None	None	None
Swan River	120	16	3	3	2	None	None	None
Saddle Lake-Cold Lake	550	75	14 Welfare Houses	14	18	None	None	None
Stony-Sarcee-Bears Paw	1,076	216	27	16	19	None	None	None
Bighorn	80	24	4	4	None	None	None	None
Wabamun Paul's Band	354	66	29	29	26 at School Band Well	None	None	None
Lesser Slave Bigstone	827	132	21	21	None	None	None	None
Gregoire Lake	51	12	1	1	None	None	None	None
Saddle Lake	1,200	180	50	30	15	None	None	3
Sarcee	290	40	11	11	40	None	None	40

RELIEF

Agency	How many on relief	Rate per person	What arrangements for				Have all vet. Reco, some Benif. as none
			Who pays	Old people	Orphans	Widows	
Athabasca-Ft. McKay	6	\$22.00 Adults 13.00 children.	Gov't	None	None	None	No veterans
Blackfoot-Gleichen	27	\$10.00 No.	Band	None	None	None	No
Edmonton-Alexander	4	\$15.00	Band	Housing coal Wood-well, provid.	Some are relie. provid. by band	Relief Coal, wood	None
Beaver Lake	7	\$25.00	Gov't	Relief and house.	Have them adopted	Pension	Doubtful
Heart Lake	4	\$18.00-30.00	Gov't	Relief and hospital.	None	None	None
Ma-Me-O Lake	1	\$15.00	Band	None	None	None	None
Paul's Band	40	\$ 5.00 to \$50.00	Band	Supply wood	None	Supply wood	None
Hobbema-Urmiskin	2	\$25.00	Band	House and wood	Foster parent.	None	Yes
Samsom Band	8	\$15.00	Band	House and wint. fuel	Adoption	House	Yes
Lesser Slave-Drift Pile	15	\$10.00	Band	None	None	None	No
Sawridge	2 family		Gov't	None	None	Place in convent.	None
Sucker Creek	5	\$22.00 each	Band	Band \$25.00 clothes 25.00 wood	Used to pay to. None for 6 months	No widows	No
Swan River	4 family	\$18.00 family	Band	Wood and repair house	No orphans	No widows	None
Saddle Lake Cold Lake	The majority	\$ 8.00 each	Gov't	None	None	Relief and fuel in winter	No
Stony-Sarcee Bears-paw	100	94 get \$10.00 6 get \$20.00	Band	None	None	Relief from trust fund	No
Bighorn	2	\$10.00 each	Band	Families	No orphans	Family care	None
Wabamun-Paul's Band	31	\$ 7.50 to 22.50	Band	None	None	Relief	Don't know
Lesser Slave Bigstone	19	\$22.00 \$8.00	Gov't	None	None	None	None
Gregoire Lake	Don't know a few	Don't know	Our funds	None		Relief	None here
Saddle Lake	29	\$14.25	Band Gov't	None	Welfare	Nothing specific	None
Sarcee	20	\$15.00-\$25.00 each	Band	None	None	Relief \$25.00 per month	None

EMPLOYMENT

How many Indians Earn

Agency	Own			Have		Lvg. by hand craft	Other occupants on Reserve	Indians		Non-Indians		Jobs Obt. thru Pl. Offr.	Camps Tral. as Ap. off resid.	Industries on Reserve	Who Owns	Indians empl. perm.	Non-In. empl. perm.
	farm	own ranches	trapline	own	trapline			Emp. Gov't	Emp. by Gov't	Emp. by Gov't	Emp. by Band						
Athabasca-Ft. McKay....	None	None	22	21	None	None	None	None	None	2	None	None	None	None	—	—	—
Black Foot-Gleichen.....	100	8	None	None	None	None	1 Grader driver.....	1	1	8	None	25	None	None	—	—	—
Edmonton-Alexander.....	1	None	Most	Most	1	61 Sch. Janitor-3 Labrs. 9 Carpt.	1	5	3	2	4	2	None	None	—	—	—
Beaver Lake.....	2	None	7	None	None	None	1 Farm Lbr. Fishing....	1	None	None	None	None	1	1	—	—	—
Heart Lake.....	None	None	8	8	None	None	None	None	None	None	None	None	None	None	—	—	—
Ma-Me-O Beach.....	None	None	None	None	None	None	2 Carpenters.....	None	None	None	None	2	None	None	—	—	—
Paul's Band.....	23	None	50	None	None	None	1 Sch. Janitor	1	5	5	None	None	None	None	—	—	—
Hobbema-Ermniskin.....	85	None	None	None	None	None	17.....	15	2	6	None	None	2	None	—	—	—
Samson Band.....	143	None	None	None	None	None	14 Hospital Empl.....	14	1	6	None	None	None	None	—	—	—
Lesser Slave-Drift Pile....	6	None	25	None	None	None	None	1	1	10	None	None	None	None	—	—	—
Sawridge.....	None	None	None	None	None	None	None	None	None	6	None	None	None	None	—	—	—
Sucker Creek.....	20	None	16	None	Just few	Seasonal wood, logging and pulp.	Seasonal wood, logging and pulp.	None	None	None	None	None	1	None	—	—	—
Swan River.....	3	None	3	None	None	None	One Firepatrol.....	None	1	5	None	None	None	Lumber Imperil Mill Lbr.	1	15-25	—
Saddle Lake Cold Lake....	32	None	7	None	None	None	4 Pt. Time Sch. Bus Dri.	None	None	1	None	4	1	None	—	—	—
Stony-Surcee-Bearsaw....	None	23	31	31	All	11 Stok. St. Clk. Corp. Sch. Bus Dr. Sec. Man.	7	9	33	2	None	2	None	None	—	—	—
Bighorn.....	None	None	21	None	20 Pt. Time	10 Laundr. Sch. Emp. H. Gu. Outf. Bus. Lum.	None	None	2	None	None	None	None	None	—	—	—
Wabamun Paul's Band....	Just Sm. Farms	None	All	Only Du. Season	None	None	None	Only Casual	None	None	None	None	None	None	—	—	—
Lesser Slave Bigstone	None	7	75%	None	None	None	4 Supervis.-Watchm. Postmist. Storck.	2	None	None	None	None	None	None	—	—	—
Gregoire Lake.....	None	None	11	11	2	None	None	None	None	D't Kno.	None	None	None	None	—	—	—
Saddle Lake.....	42	None	15	None	—	No Plumber..... No Painter.....	No Repair service..... No Library, except in some Schools F. Childr. or Adults.....	14	4	10	4	8	None	None	—	—	—
Surcee.....	None	None	None	None	None	None	One School Care Taker..	One	2	None	None	1	1	1	W. Mann	10	10

On any of these
Reserves.

The JOINT CHAIRMAN (Mr. Dorion): Mrs. Gorman?

Mrs. J. C. GORMAN (*Legal Advisor to the Indian association of Alberta*): Honourable chairmen, Hon. Ellen Fairclough and members of the committee, the Alberta association is delighted to have this opportunity to appear before you. We are especially pleased that you have allowed them to have a legal representative. It has been a request of the Alberta Indian association to the government for the past seven years, that they be allowed to be represented by a lawyer when they appear before you. I think this committee takes a tremendous interest in all the Indians who are represented and who appear before them.

The Alberta Indian association is not a union; it is not a group of Indians who gathered together simply to present this brief: it is an all-Indian organization which includes all the tribes of Alberta; it has been organized for over 15 years; and this is not its first trip to Ottawa, but its seventh.

The association has a local on each reserve in Alberta. I believe there are three in the far north from whom we have never had a representative; but, except for those three, we represent all of the different tribes. These locals meet regularly, and once a year they hold a group meeting for at least two or three days.

Our membership varies from year to year, but over the past 15 years it has varied between 1,200 and 1,500 Indians; and this group represents the majority of Indians in Alberta, because the average Indian family buy one membership.

The association completely supports itself financially and represents a varied group of Indians, Indians who are at different stages of development. I think if you would look at the two delegates that the association elected to present this brief to you, you would realize what varied types of Indian we represent.

The president of the association is Mr. Howard Beebe. He is a Blood Indian. He is a life councillor; that is, he was elected a life councillor, but he is under the old form of Indian government. He is a Catholic, and he speaks Blackfoot. He comes from the largest reserve in Alberta, with the largest population.

The northern tribes of Alberta elected as their representative Chief Johnnie Samson. Johnnie, is an hereditary chief, in this sense, that his name is Samson and the tribe that he represents is Samson, named after his family. However, he was elected chief under the new system of government and, like some of you men in this room, he has gone through one defeat but has been re-elected. Johnnie's reserve is the largest reserve in northern Alberta. On his reserve there are 37 oil wells. Johnnie is a Protestant and speaks Cree.

So you can see how varied the Indians are in Alberta, and yet they are all united in this Indian association of Alberta. They are all Indian: they have had only one white member. That was the late Dr. John Laurie, of Calgary, who was honoured by the university before his death for the magnificent work he did in Indian affairs.

It might be of interest to this committee to know that the past president, for many years, of the Indian association was one of your chairmen, Senator Gladstone; and I might say that the Alberta Indian association was very honoured when he was chosen.

I would like to point out to you that every single resolution in this brief—and there are 57—was voted on by the Indians. This committee already has before it a brief from this association. I believe on June 5 the Hon. Ellen Fairclough very graciously presented to this committee a seven-page brief from our association. This brief was endorsed by a white association in Edmonton called the Friends of the Indians; a similar association in Calgary, called the Friends of the Indians—an all-white advisory committee to the Indian association—and a brief from the Canadian bar association. It might also be of interest

to you to note that 32 different organizations in Alberta also endorsed the Indians' brief. Frankly, in Alberta we love our Indians.

Also, it is interesting to note the type of organizations who are behind this Indian brief. I think every different religious group was represented; every different political party was represented. They varied from Canadian clubs and rotarians, to the labour council. But I can say that in Alberta nearly every association endorsed the Alberta Indians' brief to this committee.

Mrs. Fairclough very generously presented this brief to you at the opening of your session, and you are probably wondering, why are we here again with a second brief? Gentlemen, as I say, our association has been to Ottawa six times before, and since this committee sat, copies of your findings drifted out to the reserves in Alberta. They were very well read, I can assure you, and the Indians were simply delighted with what they read. Never before had they seen a committee that operated such as this one. We had men of high calibre, and we could see by your questions the deep interest you were taking in Indian Affairs.

This, shall we say, raised the hopes of the Indians and they felt they would like to match your zeal with their own zeal, so last summer they held an executive meeting in Calgary of the Indian association, at which I was present. It was decided there that we would review all the resolutions we had passed in the past 10 years and summarize them, and we would also add some new resolutions. We would take these to the Indian people and make sure that these were still their actual desires.

It was decided that this time we would not merely call the Indians to Hobbema for a general meeting but, because there are many poor Indians who could never attend that meeting, it was decided instead that we would even make the trip around the reserves. So the executives and ourselves went to the Sarcee, where we met with the head chief of the Sarcee. The Stoneys came with their three chiefs, and we had a general meeting there.

Senator Gladstone was in Calgary at that time, and attended the session. The Department of Indian Affairs was most cooperative; they arranged the meetings and attended the meetings with us.

We then went on to Cardston, where we met with Chief Clarence McHugh of the Blackfoot and Chief Shot-on-both-sides of the Bloods, and hundreds of other Indians.

We then went up to Hobbema, where all the Indians of central Alberta gathered, and for two days they discussed the resolutions they would like to bring to Ottawa. We went up to the Lesser Slave lake, and five chiefs and their tribes came there. We talked for two days with the interpreters and the department of Indian affairs officials.

We then crossed over and visited Cold Lake, where the northern Indians, the Chipewyans, came down. Together, again, with interpreters, for two days we discussed these resolutions to be brought before you. At each of these five large meetings the Indians were told to send delegates to Hobbema; discuss it on the reserves and bring the information to Hobbema two weeks later. They did this, and again we held a meeting in Hobbema for two days, with the delegates voting on every resolution.

This brief should be of great interest to this committee. The American government became discouraged in 1953 with the results of their Indian policy. They had spent large quantities of money, and had very little to show for it. So the President of the United States ordered what is the equivalent of our deputy minister of Indian Affairs to visit every single reserve in the United States and report back on conditions. That was Mr. Eammons.

His report took two years. It was a very lengthy report, mostly on education. One of the most fascinating parts of that report was that he found, when he visited the reserves, that if the government had, at the request of

the Indians, gone into a project and cooperated with the Indians, the project was a success. But when they had attempted to take the same successful project, and force it on an Indian group, it failed. It cost the government a great deal of money, and it failed.

That is why this brief should be of tremendous interest to you, because it represents the Indians' own desires. I have my own feelings about a great many things in here, and I would like to influence the Indians; but, I do not. This is an all-Indian brief and it shows the desires of a very large group of Indians, probably the largest united group in all Canada.

May I now go into the brief, sir, or would the committee like to ask questions about anything?

The JOINT CHAIRMAN (*Mr. Dorion*): You may go into the brief.

Mrs. GORMAN: We included in the front of our brief a history of the governments' dealings with the Indians. We did this because there is no written history or record—permanent record—of these dealings. The records are, of course, in the government's hands; the records are in the minds of the Indians; but no one has ever written down the history of these dealings and gathered them together.

It was the Indians' feeling that this committee would probably be writing new history, and because you would be writing new history, we should review, shall we say, the old history.

We begin our history by describing the type of Indians who live in Alberta. Incidentally, there are now 18,525 of them. We describe their early dealings with the missionaries and the influence the missionaries had on their lives; their dealings with the fur company and their influence, and their dealings with the northwest mounted police.

Then we swung into what I would describe as the first policy of the government in handling Indian affairs. That is when they persuaded the Indians to sign the treaty.

When the government wished to open the land in Alberta, it sent forth the missionaries and persuaded the Indians to sign the treaty. The Indians signed the treaty because they had developed a great faith in our government and a great faith in the Mounties. The spirit of the whole treaty could be described by saying what David Laird, commissioner who was appointed by the government to sign the treaty, said:

The great spirit has made the white man and the red man brothers, and we should take each other by the hand.

The Indian people were delighted when they heard this. They firmly believed that the Indian and the white would stand together to share the benefits of this land, and they signed the treaty surrendering a whole province.

Within three or four years of signing the treaty, troubles began, however. I would like to draw to this committee parliament's intention at this period when it signed this treaty. Many speeches were made in parliament, and it was evident that parliament's intention was to make the Indian self-supporting. I believe the quotation that would probably interest you most is the one of Sir John A. Macdonald, where he said:

"There is no doubt the proper sentiment to inculcate among Indians is one of self-reliance"

This was the whole thinking of the government of Canada at that time. And the government did, at this point, give the Indians certain freedom. The Indians benefited. It is amazing, when you go through the old records and discover how many of them were self-supporting: they ran mines; they ran station houses, and they began to be efficient. But unfortunately the government's policy failed. Why did it fail? I think there are two reasons. First of

all, I do not think the government had any idea how difficult the problem was. They had said: We will simply educate these Indians and raise them to the standards of the surrounding whites—without seriously looking at what a difficult problem this was going to be. Of course the second reason it failed—which is probably the reason why so many government policies fail—is a shortage of funds. It was going to be a very difficult job to raise the Indian. You must remember—and I would like to point this out before I go on—that at Yale university they have done many intelligence tests of persons of Indian and European descent. It has been found that the Indian is every bit as intelligent as you and I. The Indian, however, has an entirely different cultural background than those of us who came from Europe or Asia, because he was a very small population living in a very fertile and vast continent. He did not have to develop the competitive sciences which you and I developed. For instance, the early Indian did not read or write; there was no need to read or write. He did not develop agriculture in any sense at all, because of course he could move all over this wonderful continent and obtain all the food he wished. He had developed no commerce, as we understand it, because again he had sufficient right at home. He had developed no law, as we understand it.

Therefore, you see the difficult task that this early government of Canada had undertaken. They were going to try to teach these people to read and write, and teach them commerce from the ground up and agriculture from the ground up. I think at that time it could have been done if the government had sent to the reserves hundreds of men qualified to teach who were, shall we say, sound businessmen and leaders in their community. But, of course, Canada was a new country at this time and those men were not available. Instead, the way it ended up was that probably one man was sent to take care of four thousand Indians. He did not speak their language and probably had no experience in farming at all. In order to enable this one man to control and govern these Indians it became necessary to make him all-powerful in order to restrict the Indians themselves.

So at this period we find the government passing a new set of laws, a set of laws which gave almost complete authority to the Indian agent and the department, and which restricts the Indian. For instance, he was not allowed to sell his own products or leave the reserve without permission to attend the stampede. If he planted anything he had to go to the agent to get consent, and so on. The initiative was taken away from the Indian. The Indians of those days began to starve because how was the agent going to feed these Indians. Originally, they had hunted, but as the settlers moved in the game became more scarce. During this period thousands of them actually did starve to death.

In desperation the government decided "Why not sell the Indians' land; they are not using all the land. If we could sell some of it we could get some money to support them."

I am going over this briefly at the request of Mr. Dorion. I may not be absolutely accurate in my details now, but in the brief the details are accurate. They decided to sell the reserves or sell the products on the reserves and to take that money and place it in trust to use it for the Indians' benefit. They called this the trust funds of the Indians. The result of the establishment of the trust funds was that the agent himself ran a farm for the Indians. He supervised it, ran it, and when he got the production off he gave it to the Indians. He issued dole to the Indians. They received so many pounds of lard, sugar and salt. The agent, in effect, supported the Indian from his own money; the money he had obtained by selling parts of his reserve.

We enter the second phase of the government's policy towards Indians. The first phase was where they were going to raise them to a standard equal

to ours and make them self-sufficient. That was the government's early intention. The second phase was when they cut down the initiative of the Indian and built up the restrictive clauses which restricted his life. They created band funds and put him on a form of dole.

About the turn of the century the government developed a new policy. They had not been too successful with the last one. The Indians had more or less settled down with the dole. They did not get enough to eat, as you and I did, but they could survive. There was not much point in getting ahead, so they were literally sitting on their reserves. Therefore, the government in desperation sought a new policy which they called integration. They decided to move the Indians from the reserves. Sections were put in the act called the enfranchisement sections under which the Indian could be moved from the reserve. The records show that at that time thousands of Indians left the reserves. These Indians were not prepared, but they left for money.

Now we are at, shall we say, a time when we must think of a third policy. Are we to continue on with these two policies we have had; that is, place the Indian on the dole and give him no initiative, or the other, which is just as serious, and that is butt him off his reserve when he is unprepared for our civilization.

The Indians in Alberta believe—and I do too—that the government could form a new policy at this time, a policy the aim of which would be to keep the Indian on his reserve and raise his standards on the reserve until those standards are equal to those of the surrounding communities. At that point you would have a wonderful Canadian citizen. If you push him off his reserve when he is not ready, he tends to go to the city, move into a slum area, and possibly even create a race problem.

I would like to tell you that I feel the government must change its policy of removing Indians from the reserves because this is an unsuccessful policy. I am going to ask you to look at the appendix, because in the appendix I have written a review of the American government's attempt to enforce a policy identical to our enfranchisement policy.

I do not think that many of us truly understand the enfranchisement policy regarding the Indian. Frankly, I did not myself until I worked with them for many years. To you and I the word enfranchisement means something wonderful: it means the vote, it means freedom. That, however, is not the meaning of enfranchisement as it is laid out in the Indian Act. In the Indian Act enfranchisement means removal from the reserve. It can be done in two ways. It can be done voluntarily by the Indian receiving a large sum of money for that privilege, or it can be done forcibly against his will if he has progressed to a certain point in development.

To the Indian, enfranchisement is no advantage. Indians are just like other people: they are loyal to their own people and loyal to their country. I think it is difficult for us to completely grasp this. It was for me. In many cases the Indian reserves are quite poverty ridden and are not necessarily on good land. We tend to look on them as poor places for Indians to live; but in my dealings with the Indians I find that they truly love their reserves. To them this is their country. Although it may be a poor country to you and me to them it is a great country; it is theirs. They object very seriously to being forced off it. When they become enfranchised they never return again to the reserve, nor can their children.

This is a direct violation of our treaty promises. We promised them this land would be their for all time, for so long as the sun shall shine and the rivers shall flow; but in the enfranchisement section in the act we have broken that promise, because once an Indian is enfranchised neither he, his wife, his children nor his children's children may ever return to the reserve.

In Canada our relations with the French have been a model to the whole world. We are admired by the world as being a country where two nationalities can live together peacefully and well. As my Indians said in their typically frank way, the people in Quebec are allowed to speak their language, live in their province and have their customs. When they leave their province and move to another province they probably have to speak English and abide by the laws and customs of that province. But when the people of Quebec leave Quebec they are not asked to sign a document stating they will never return. It is likewise true of our immigrants. I asked a very prominent publisher in Canada, who is an Englishman who came to this country and has done a good deal for Canada, "suppose when you left England to come to this country you had to sign a document saying you would never return to England, would you have come?" He said "Of course not".

How can the government expect the Indians to leave their reserve when they are forcing them to say good-bye to their people for all time. It is a ridiculous policy and it cannot possibly be successful. On top of this the compulsory section of the enfranchisement clauses in the act, which is section 112, is going to stop the Indian from taking the vote. Section 112 says that when an Indian is 21 and when he has shown a desire and is capable of self government, which certainly would be when he took the vote, and when he has become capable of being self supporting, he can be enfranchised forcibly, against his will, by a committee of 3 and an order in council. The Indians feel that if they take the vote they will expose themselves to the possibility of being forcibly enfranchised.

They had a very bitter experience following the Riel rebellion when the government issued script and then by order in council did allow the script Indians back to the reserve, but left in the act the section which said that script Indians were not of necessity Indians and could be protested against.

Mrs. FAIRCLOUGH: May I interrupt at this point. I think you should know that I have said definitely that section 112 will be removed or revised. The committee was asked to make this one of its responsibilities and to suggest to the government in what way this section could be removed from the act, or be revised, so that the machinery for the operation of the act would still be left.

Mrs. GORMAN: I think that is very good news.

Mrs. FAIRCLOUGH: I committed myself to this a year ago. Last week I asked the committee if they would undertake this task. I thought you should know this.

Mrs. GORMAN: Both Indian delegates I am sure will be very glad to hear this. This has been a very serious problem in Alberta, which has been discussed. The question has always been should we take the vote if section 112 is left in the act. The almost universal feeling in Alberta was that they would not vote if section 112 was left in.

Mrs. FAIRCLOUGH: You have said that the enfranchisement section bears no real relationship to the vote itself. That is the only reason it was not included in the bill.

Mrs. GORMAN: The enfranchisement clauses and the vote are two separate things.

I know that many Indians will be thrilled to know that section 112 is coming out. They are deeply concerned, however, about the other enfranchisement sections, which are 108 and 111.

The government of the United States undertook a policy of removing Indians from the reserve. They undertook this policy a long time ago. This is written up in the appendix. I believe the date they started this policy was in 1887. They passed an act in the United States called the General Allotment

Act, commonly known as the Dawes Act. By this act they gave Indians citizenship if they would permanently leave their reserve and live apart from their tribe. They gave them title to a certain land which could be turned into cash. They did this to encourage them to leave their reserves.

In the appendix I have compared the sections of their act which are very similar to our voluntary enfranchisement sections which we have in our own Indian Act.

What was the result of this policy? In 1948 a report was made to the American committee on Indian affairs to a commission on organization of the executive branch of the government, and a former secretary of the interior, Senator Henry M. Feller of Colorado, reported that most allottees had lost their land. By 1933, the figures showed that 91 million acres of Indian land had been sold by Indians and the 1933 report of the secretary of the interior shows that over 90,000 Indians were landless and were wandering homeless in the United States. These Indians had become a very serious problem. They were unable to support themselves, they were living on welfare in the communities. After careful study the American government abandoned the policy.

It might be of interest to you gentlemen who run our government, and the lady, to know that it cost the American government \$40 million to place those Indians who were wandering loose off their reserves back on to their reserves. Since that time the American government reconsidered the policy in the event they should again move off the land. They put a section in their law which allow a group of Indians, if they chose, to either abandon their reserve or run their own reserve. However, the policy of the American government has been to release only a few tribes and only when they demand it unanimously. If there is the least objection on the part of any Indians in the tribe they do not, shall we say, enfranchise that tribe or release them. I think in the past year only one such tribe in the whole of the United States was released.

Now, I am telling you this not because I admire American politics. I certainly do not. But I am telling you this because they have tried this experiment, and we know it will fail.

Now may I go into the resolutions which the Indians passed. The Indians passed 57 resolutions, and they placed them under six different headings. The first one was treaty rights. The next one was self government. The next one, I believe, was welfare, health, and so on.

I would like to deal with these, if I might, in separate sections, if that would be acceptable. That is, I would deal with the resolution regarding treaty rights first.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you prefer to answer questions on the first part now?

Mrs. GORMAN: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): On this first part of the observations made by Mrs. Gorman, if you have any questions to ask you may now put them to her.

Mr. McQUILLAN: You stressed the enfranchisement provisions of the act very strongly until the minister corrected you in some of your impressions. May I ask how often this section of the act has been invoked in Alberta in recent years?

Mrs. GORMAN: We searched for figures, and we could get figures only up to a certain period which we put in our brief. But we have no figures for the past few years at all. There have been quite a number of voluntary enfranchisements. Frankly, the Indians are voluntarily enfranchising because there is a compulsory section.

You do better if you do it voluntarily than under force. For example, if you do it voluntarily, you may remain on the reserve for a period of readjustment. So if the Indian is forcibly enfranchised, he will in many cases seek voluntary enfranchisement.

Mr. McQUILLAN: Has there been any threat to enfranchise Indians?

Mrs. GORMAN: I know of actual cases where Indians have had fine jobs and have attempted to borrow from band funds, and have been threatened with enfranchisement. Therefore they returned to their reserves. I know of an actual case like that.

Mrs. FAIRCLOUGH: Was this a threat from the band?

Mrs. GORMAN: No, it was not a threat from the band. The department said that if the individual had progressed that far—the Indian had an excellent job in Calgary and was doing very well; however we wished to buy a home. But because he was an Indian he could not borrow from the bank, and he could not get an NHL loan. Very few young people with a family can pay cash for a home.

So it was suggested that he borrow from the band fund. His tribe were quite agreeable to lending him band funds. But he was told by the department that if he had gone that far, possibly he should enfranchise. Thus that Indian abandoned his good career in Calgary and returned to his reserve because he was a good Indian and loyal to his people, and the thought of losing them was too much for him.

There certainly have been many voluntary enfranchisements in Alberta, and I am sure the department must have a record of them.

Mr. McQUILLAN: But are there any that you know of that have been forcibly enfranchised?

Mrs. GORMAN: No, I have no record of them. We live away out in Alberta and we are a long way from the centre of things. The records I imagine would be with the department.

But I certainly know of Indians who have enfranchised; and when I was in the north, when we made this tour to the reserves, I was quite shocked by the number of Indians who are thinking of enfranchisement simply for welfare benefits.

One little old lady came to me and asked me if she could be enfranchised. She could not speak English, and I asked her why she wished to be enfranchised. It seemed that she needed a new set of false teeth, and that the \$100 which she would receive upon enfranchisement would pay for them. So she was going to be enfranchised for a new set of false teeth.

Moreover the welfare payment which the government pays to those over 60 years of age with a means test is not paid to Indians on the reserve. Therefore they wish to leave their reserves and go to the city.

Another case was that of an old gentleman who wanted to be enfranchised because he wanted another pair of eyes. This I found meant a new pair of glasses.

Another one had a perfect setup to move in on the welfare people in the city.

I have met many Indians who have been enfranchised wandering around Alberta, some who did it because they fought with other Indians, and others because they got into an argument with the department.

Mr. McQUILLAN: Would you suggest that the voluntary enfranchisement privilege be removed, as well as the compulsory part?

Mrs. GORMAN: That is what we are asking for. And we have a substitute for enfranchisement to offer. We would like to see the voluntary enfranchisement clause removed. The Indians as a whole want to enforce their treaty rights. They want their reserves left there for all time.

Mr. McQUILLAN: You are speaking on behalf of the Alberta Indians which constitute an entirely different situation to what it is in many other parts of Canada. In British Columbia, where I come from, you have hundreds of reservations ranging all the way from those not much bigger than the size of this building up to thousands of acres. Therefore an act which may suit Alberta might not necessarily suit British Columbia.

Mrs. GORMAN: I think the change you want placed in the act would in no way harm the Indians. I noticed in the report of the National Commission on Canadian Indians that it reviewed other briefs, and that out of 40 briefs presented to that committee, none of them specifically asked for enfranchisement, while many of them were against it. But on the other hand what about the Indians in the fishing villages? What do they gain by the enfranchisement policy?

Mr. McQUILLAN: I realize that the problem is different in each province, and that Alberta is peculiar in that it has large reserves and large gatherings of Indians. Many of the fishing villages are not necessarily on their reserves. They do not necessarily fish from their reserves. In fact it is becoming less and less so. In fact their employment opportunities are not close to their reserves; so in many cases the Indians want to get away from their reserves.

Mrs. GORMAN: What the Alberta Indians are asking for—and in my talk I have in effect said what they are asking for in their brief—is that the compulsory enfranchisement clause be removed, and they are also asking that the voluntary enfranchisement section be removed. They are asking the government to put in a new clause which would allow the Indian to return to his reserve, and to hold it for all time; and yet which would permit him, when he leaves his reserve, to have the rights of an ordinary citizen. But I shall get into that further on in the brief.

This would be quite possible. I think. After all, is there any reason why the Indian could not be permitted to apply for temporary citizenship papers, should he get a job in the city and have all the rights apply to him which apply to any other Canadian citizen. And yet, at the same time, could he not be given, let us say, a certificate which indicated from which reserve he came, and which permitted him to retain the right to return to that reserve should he fail.

Mr. McQUILLAN: And also to have the right to return to that reserve to which he had made no contribution, when he may consider it financially profitable to go back, to share in the band funds and other considerations?

Mrs. GORMAN: He could not do both at the same time. He would have to choose. I would hope that he would do so much better in the outside world that he probably would not wish to go back and assume band funds.

Mrs. FAIRCLOUGH: Not for the sake of argument, but to help the proceedings along in this line of thinking, we should recall the old saying, "From shirt sleeves to shirt sleeves in three generations."

Mrs. GORMAN: That is correct.

Mrs. FAIRCLOUGH: You may have a person who leaves the reservation and goes out into the non-Indian community and does quite well for himself, yet his descendants may not do so well for themselves, and they return more or less to sponge on the people who have been working on the reserve and have built it up; and they simply go back because they have failed.

Do the Indians want to adopt all their Indian relatives who have failed in the non-Indian community?

Mrs. GORMAN: I do not think it is a question of adopting those who have failed; it is a question of giving them sanctuary. I think the problem would be one of giving them sanctuary.

Mrs. FAIRCLOUGH: If you proceed along those lines, how do you propose to handle the situation where an Indian woman marries a non-Indian?

Mrs. GORMAN: According to the resolution she would not be an Indian any longer.

Mrs. FAIRCLOUGH: So, in so far as she is concerned, she becomes enfranchised?

Mrs. GORMAN: Indians cannot open their reserves to all of those who happen to marry a wife or a husband who is a non-Indian. It would be hopeless.

I would like to point out something here: the resolution leaves it open as to how this solution will be found. The Indian association did not feel that it was their job; they thought it was the job of parliament. So the resolution simply reads as follows:—the first resolution was a general resolution, and incidentally this resolution has been passed by Alberta Indians for over seven years at every annual meeting; and this was the resolution that was endorsed by all 32 of our associates on the Canadian tour:

Be it resolved that all Indians who, at the time of coming into force of the revised Indian Act of 1951, who were either treaty Indians or descendants of treaty Indians, be henceforth regarded as treaty Indians and that no such persons be bribed, coerced or forced out of treaty against their will.

And resolution two was also resolved, and it reads as follows:

Be it resolved that the compulsory enfranchisement section, 112, be removed from this act.

And resolution three was also resolved, and it reads as follows:

Be it resolved that we ask for the repeal of Sections 108 to 111 from the Indian Act.

All these, of course, are the voluntary enfranchisement ones.

And resolution four was passed, and it reads as follows:

Be it resolved that if Sections 108 to 111 are removed from the Indian Act, they be replaced with provisions which would permit an Indian to reside off his reserve and assume all the advantages and liabilities of non-Indians without any loss of treaty rights.

You see, the Indians felt that it was not up to them, shall we say, to dictate how to change the act. However they felt they should lay before you their desire, and the conditions which they would like to have corrected. They wrote in their brief, at page 13, as follows:

In addition, we urge that changes be made in the act so that any provision for enfranchisement is removed. We feel that an Indian should be able, if he wishes, to enjoy all the rights, privileges and liabilities of non-Indians without any loss of treaty rights. Yet, at the same time, he should have the right to return to his reserve where he would be under the provisions of the Indian Act. The association asks for the removal of section 112 immediately, and that sections 108 to 111 be removed and replaced with provisions which would make this possible.

Incidentally they also at this time said that they hoped that if you could not alter the act at least you would cease using the word "enfranchisement".

Mrs. FAIRCLOUGH: I agree with you; I think it is a misnomer.

Mrs. GORMAN: Yes, it has done a lot to break down the Indian's interest in the vote.

Mrs. FAIRCLOUGH: I agree with you, and I hope we can come up with another term.

Mrs. GORMAN: I hope so. They did not feel that they should tell the committee how this should be done. They thought they should simply tell you what they feel their needs are. But frankly, I myself think it would be possible.

I cannot see why the Indian on his reserve cannot apply for temporary citizenship papers. It is true that he would then have to pay taxes, but he would derive the right to drink liquor if he wished, and he would gain the right to borrow money, and he would derive all the personal advantages and disadvantages that we have, and during this period he would lose the advantages of the tribe funds. But once he left, he would be given a ticket indicating the reserve that he came from, and this would also apply to his children.

Mr. FRASER: Earlier in her statement Mrs. Gorman mentioned the fact that when an Indian received enfranchisement, he also received a large sum of money. But that would vary with the band, would it not?

Mrs. GORMAN: That is right.

Mr. FRASER: What would happen should the Indian decide to go back again? Would he have to return that sum of money?

Mrs. GORMAN: No, that was not our feeling. We felt that the idea would be that he would not take the money when he received his temporary citizenship papers; he would not take the money with him at that time, and that it would be left in the fund.

Mr. FRASER: In the band?

Mrs. GORMAN: That is correct.

Mr. FRASER: For the use of the band?

Mrs. GORMAN: Yes.

Mr. FRASER: That would mean that no money would go out of the band at all?

Mrs. GORMAN: Yes. And, further, in the act we are asking for a provision for loans to be made, to set up people when they go into our civilization.

Mr. FRASER: Thank you.

Senator SMITH (KAMLOOPS): Loans from the band funds?

Mrs. GORMAN: No, loans from the government; just as you have a revolving loan presently which aids the Indian to develop on a reserve. There should be a revolving loan. There is, incidentally, in the United States, and it is used a great deal. I mean, a loan which would allow these people to begin life in our communities.

Mr. SMALL: Mrs. Gorman, you made a statement that is not in keeping with the facts. When Major MacKay was director of the Indian Affairs branch up until 1953—

Mrs. GORMAN: On what page is that?

Mr. SMALL: It is not from your brief; but you have made a statement that the Indian could not return after he is enfranchised. This is the interpretation which Major MacKay put on it prior to 1953:

An Indian is not a ward in the true legal sense; he is a ward inasmuch as he is a free agent. He can sign contracts. He does not have to stay on the reserve. The reserve is set up for him to live on if he wishes, but he does not have to stay on it. He is just as free to take up residence anywhere in Canada as you or I... It was never intended for that purpose at all. It was intended to give protection

to the Indians, so they could make their living there, and not be dispossessed. If he had difficulty outside the reserve, he can always go back...

Mrs. GORMAN: The difficulty there is that if the Indian now leaves his reserve and is not enfranchised, he cannot enjoy the privileges of an ordinary citizen. I had the good fortune to be chairman of the civil liberties section of the Canadian bar for three years, studying the status of the Indian; and the status of the Indian is quite, shall we say, subservient to the white person's status.

So if the Indian does not enfranchise, and attempts to come into our community, he cannot live as we do and it is very difficult for him to get along. So, of necessity, he either has to enfranchise, or live under very difficult circumstances.

Mr. SMALL: He can always go back, though.

Mrs. GORMAN: He can always go back. But I do not think that is the aim of the Canadian government, frankly. Primarily we are hoping that our Indians will be educated enough to live among us, rather than on the reserves, and will choose to do so. The majority of them will, voluntarily. I think that is their program not ours. Your over-all aim, to move them off.

At present they have only two choices, to live either on the reserve under the reserve system, or to enfranchise if they want the full privileges of our civilization. We are attempting to find a method by which they could make the move off and yet not be cut off from returning to the reserve.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any more questions on that problem raised by Mrs. Gorman? Will you kindly go on, Mrs. Gorman.

Mrs. GORMAN: Those resolutions on treaty rights 1 to 4, as I say, cover a very important section of our brief, and the Indians' feelings about the enfranchisement section in the act.

Resolution No. 5—which is on treaty rights, again—concerns one of our problems. It is on page 18. It reads:

Be it resolved that the government study the possibility of withholding all enfranchisement moneys from Indian women who marry non-Indians, for a period of five years, and

Furthermore if the woman is divorced or separated any time during these five years, she may apply to have her name re-entered on the band list, but that any children from this marriage are not automatically eligible to be entered.

As I pointed out to you, the Indians still feel that if an Indian chooses to marry a white man, she must cease to be an Indian and, shall we say, a liability on the tribe. I think it probably would be of interest to the committee if you heard an explanation of how this works from the Indians who want this, from one of our Indian delegates. President Beebe, could you speak on this.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Beebe, would you prefer to come up here to the table?

Mr. HOWARD BEEBE (*President, Alberta Indian Association*): Mr. Chairman, Mrs. Fairclough, members of the committee: I am very pleased to be here with you and to be able to explain the feeling of my people back home. I am an Indian, and you have got to be an Indian to know who the Indian is and what the Indian wants.

As an Indian, I am a human being, and in Canada we have the human rights. I think justice is what we want; justice that will help us in our wants... and you cannot satisfy people if you work against their wants. This is very important to humanity.

On this resolution No. 5, we are dealing with the young Indian woman who could be misled by the false love of unjust people who only love the money, not the girl.

I read in an article about people in Oklahoma, where a white man approached an Indian woman who was in the millions. He said, "I approached the money, not her, because every time I look at her face, it hurts. But she had the money; I had to stick with that". This sounds very funny, but it is very important.

Mr. SMALL: That happens to white women too!

Hon. Mrs. FAIRCLOUGH: You took the words right out of my mouth.

Mr. BEEBE: So by this resolution we figure that this non-Indian who is marrying a treaty Indian should have to wait five years for that money, and in that time he or she will find out whether the man loves her or not, or whether it is just the money.

This is very important to the young girls of the treaty Indians. I would hope that this committee would consider this deeply, and I will give a couple of points on it. I would like to see this committee look into it deeply, so that there be fair play to the young girl who is misled by false love. Thank you.

Mr. FRASER: Before you go, Mr. Beebe, I have a question. You said there that they should wait five years before they get the money. That money would be enfranchisement money, would it not?

Mr. GORMAN: No, trust money.

Hon. Mrs. FAIRCLOUGH: It would be her share.

Mr. FRASER: It would be her share?

Mr. MACRAE: Of band funds.

Mr. FRASER: Of band funds. But before, under enfranchisement, you were asking that these women be allowed to go back to the band again; is that right?

Mrs. GORMAN: Not if she married a white man.

Mr. FRASER: Not if she married a white man: she is debarred forever. But if she marries another Indian?

Mr. SMALL: If her first husband dies, and she marries another Indian, she is all right.

Mr. FRASER: How would that affect the band fund? Would she then be entitled to band funds, or only to her husband's band funds?

Mrs. GORMAN: The wife is given an equal share with the husband. At the present time, the wives of the husbands share his band fund. In fact, the next resolution will deal with that.

Mr. FRASER: Thank you.

The JOINT CHAIRMAN (*Mr. Dorion*): Before going to the next resolution, we have to adjourn until 3.30 this afternoon. Thank you very much Mrs. Gorman and Mr. Beebe.

AFTERNOON SESSION

Wednesday, May 11, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we have a quorum. At this time I will ask Mrs. Gorman to go ahead with her resolutions in the brief.

We will ask her to continue on until she completes this section on treaty rights, and the questioning will follow. We will take up all the resolutions on this section.

Mrs. GORMAN: Thank you, Mr. Chairman. We were on resolution No. 6:

Be it resolved that a child which is legally adopted by a married Indian couple registered in the band should be eligible to have its name entered on the band list.

At present, if a couple marry, and adopt a white or a half-white child, the department of Indian affairs have said it could not be an Indian. Therefore, the child cannot take part in the family life or in the family inheritance.

Resolution No. 7:

Be it resolved that a section be put in the Indian Act which would make illegitimate children of a treaty Indian couple, where the paternity can be established, members of their father's band.

At present, an illegitimate child is the responsibility of the tribe from which the mother comes. Of course, this is only if the father is an Indian; if he is a white man, there is no responsibility on the part of the tribe. However, if he is an Indian, it is the mother's tribe which must assume this responsibility. As a result, some tribes are supporting many illegitimate children on their reserves. I know of a case in Calgary, where a woman has had seven illegitimate children. That costs that tribe about \$200 a month, and yet they never have seen the children. They live in a completely different place.

Resolution No. 8 is next. I think we should skip this resolution. It was a resolution that the Indians would not accept the vote until section 112 is removed. And since the Hon. Mrs. Fairclough has re-assured us, and told us section 112 will be removed, I do not think it need be discussed.

Resolution No. 9:

Be it resolved that the legal department of the Indian affairs branch be asked to draw up a simplified version of the act, together with explanations in words and phrases that can be easily understood, and

Furthermore that these simplified versions be checked and approved by an non-government committee of lawyers before being accepted and

Furthermore that copies of these simplified versions, as well as copies of the Indian Act, should be made available to Indians through their local agency office.

I had the good fortune to be a chairman of a committee of lawyers from all across Canada, some of whom were judges. For three years we studied the Indian Act and, frankly, gentlemen and ladies, they had a very difficult time.

The Indian Act is a very confusing act to study. As the Indians have said to me so often: "we do not even know we have done wrong until we have been caught; we do not understand the act." I have given them courses in the act. They have come to Calgary and stayed for three days in an endeavour to understand it. If we want them to obey the laws, we must make them so that they can understand them.

Resolution No. 10:

Be it resolved that the government establish at major centres and at its own expense, competent lawyers to whom the Indians could appeal for advice concerning their legal problems.

At present, if an Indian wishes legal advice, he must hire and pay for his own lawyer. This specially concerns the Indians in questions of divorce, adoption and rights regarding their personal property. If you are a white person and live in a city, you have, as needy litigants, the use of lawyers. However, this committee is not available to Indians. Time after time they come in to see me. I do not take their cases, because I do not practise law. It is impossible with their limited funds, to get lawyers to act for them. Their law is complicated and specialized.

I know of seven Indians in Calgary who are desperately in need of divorce. They certainly have the grounds, but I cannot get any lawyer to take their case. They are living in these conditions, because they cannot get legal service.

We are suggesting that the government offer more free legal service to the Indians.

Resolution No. 11:

Be it resolved that the federal government be asked to set up a separate department of Indian affairs .

At present the Indians are in the Department of Citizenship and Immigration. Mind you, that is a joke, because they are the only people in Canada who are not citizens at the present moment, nor are they immigrants. But, aside from that fact, the Indian affairs branch have to study a very specialized problem, which does not fit in with the ordinary cabinet Minister of Citizenship and Immigration's other duties.

The Indian problem is a very important problem to Canada. If it is properly handled at this time, it might save a great deal of grief in the future. Because this is such a highly specialized field, we would very much like a separate department.

At the present time Indian affairs are handled in three or four different departments. For instance, health is in the Department of Northern Affairs, and education of the Indians is shared with the provincial governments. This results in long delays. If there was one centralized department, under one minister, we feel that it would greatly add to the efficiency of the department.

We are very grateful to our present minister, and the steps she has taken to improve Indian affairs. This is not, in any way, criticism of her, but we feel there is definitely a need for a separate department, and a separate minister.

Resolution No. 12—

The VICE-CHAIRMAN: Just before you proceed with that, Mrs. Gorman, I think there was a slight misunderstanding. Health is under the Department of National Health and Welfare, and not Northern Affairs.

Mrs. GORMAN: Is it?

The VICE-CHAIRMAN: Yes.

Mrs. GORMAN: When I asked questions about health in Alberta, they referred me to the Department of Northern Affairs in Alberta.

The JOINT CHAIRMAN (*Senator Gladstone*): It is the Department of National Health and Welfare.

The VICE-CHAIRMAN: Indian health services come under the Department of National Health and Welfare—that is correct.

Mrs. GORMAN: Is there anything under the Department of Northern Affairs?

Mr. JONES: The education of Indian children in the Northwest Territories is carried on through an agreement between the commissioner of the Northwest Territories and the Minister of Citizenship and Immigration.

Mrs. GORMAN: But, when I wrote regarding this, I was referred to that department. Also, I think I have the letter.

Resolution No. 12:

Be it resolved that a permanent standing committee be set up by parliament from members of the House of Commons to act upon Indian legislation.

The Indian association of Alberta, which represents all the different tribes in Alberta, has been asking for this year in and year out, on its seven different

trips to Ottawa. And I think it is clear why this is a peculiar problem for an Indian. It is very difficult to have a member who has to, shall we say, approach this for the first time, and understand the problems. It would be much more effective if there was a permanent standing committee.

On page 19, resolution 13:

13. Be it resolved that the federal government appoint a royal commission to inquire into every phase of the administration of Indian reserves in the province of Alberta.

I think we are not the only Indian association, or the only group, which is asking for a royal commission, nor is this, of course, the first time we have asked for a royal commission. The problems of Indians across Canada are very diversified. Our member from British Columbia was just pointing out that people who live in fishing villages, who necessarily do not have reserves, have an entirely different problem than the Indians living in Alberta. That is why a royal commission appears most beneficial.

It could also establish the specific needs of the different groups concerned and that they are in a very varied state of development.

You cannot compare, for instance, one of your reserves in the southern part of Ontario with one of our northern reserves where once a year they come in and gather at a point; and so a royal commission would do a great deal to place before parliament the different problems in the different areas.

It also would mean a great deal to the Indians. Frankly, the Indians think Ottawa is a very long way away—and Ottawa does not know anything about them, and I think it would also serve to educate the public. If we are going to integrate our Indians, which we eventually know must be the final aim, this must mean that the white man must understand the problems of the Indians also.

Resolution No. 14:

14. Be it resolved that we are opposed to certificates of possession or allotment being given to non-Indians or members of the band and if certificates have been given they should be subject to cancellation if not being utilized by the person to whom they were granted.

The Indian reserves are very small and the question of who holds the land is very important. Would it be agreeable if the Indian delegates spoke for a few moments on this?

The VICE-CHAIRMAN: Yes, that is perfectly all right.

Mrs. GORMAN: On the certificates of possession.

Chief SAMSON: Mr. Chairman and members of the committee, this is indeed a great pleasure for me to bring this brief to you for your study of the needs of the Indian people of Alberta.

On this particular resolution I think it tends to lead the Indians into enfranchisement. We have possession certificates issued to our Indians in our reservation and the Indian who has a certificate of possession has the right to bar any other Indian coming in to that piece of land, to cut wood or cut hay. He is legally entitled to own that piece of land.

If these certificates of possession are continued to be issued to Indians, eventually there will be no room for more of these Indians to live on the reservations, because we are already crowded in our reservation. There is not enough land for everyone to own 150 acres, especially in the near future, say, ten years from now.

So we want the government to cancel this particular section of the Indian Act. We do not want to have these certificates of possession any more.

Thank you.

The VICE-CHAIRMAN: Thank you, Chief Samson.

Mrs. GORMAN: Resolution 15:

15. Be it resolved that wherever the words "legal title vested in Her Majesty" appear in the Indian Act, this should be revised to read "legal title vested in Her Majesty in trust for the band."

Now, I think legally, if it were interpreted by a court, the words "legal title vested in Her Majesty" would be interpreted by a court of law as being held in trust. It is clear too, I think, lawyers and probably even clear to yourselves, but this has caused some worry among the Indian people. When they read the Indian Act and they find no reference to the Queen's holding this land in trust for them, they are inclined to become very upset. So we are simply asking that now these words "in trust" be inserted, more to reassure the Indians than to give them any new rights.

Sir, that finishes the section on treaty rights, enfranchisement, the rights of married women and children, and the fact that we want a separate department and a standing committee.

The VICE-CHAIRMAN: Now, ladies and gentlemen, I am sure Mrs. Gorman or Chief Samson or Mr. Beebe would be glad to answer any questions from No. 7. I take it we have concluded the questioning up to No. 6 this morning and any questions from No. 7 on to No. 15, I would appreciate if you would ask questions on No. 7 first and complete them before the questions are asked on the next one.

Senator INMAN: How many Indians are on the reserve Chief Samson spoke of, and how much land is included in the reservation?

Mrs. GORMAN: You mean his own reservation?

Senator INMAN: Yes, he said it was overcrowded.

Chief SAMSON: I have no figures.

Mrs. GORMAN: I have the figures for the whole of Alberta. There are 18,525—

Senator INMAN: But that includes all the reservations?

Mrs. GORMAN: Yes, and they are on one and a half million acres.

The VICE-CHAIRMAN: I think Senator Inman would like to know the number of Indians on your reserve and the number of acres in your reservation. I think that was her question.

Chief SAMSON: I have not the exact figures of the acreage in our reservation. It is of square miles.

Senator STAMBAUGH: Are you from Hobbema?

Chief SAMSON: Yes. The number of certificates of possession I think at one time was 36.

Mrs. GORMAN: Thirty-six held certificates of possession?

Chief SAMSON: And some of these have been returned and others have been cancelled.

Mr. McQUILLAN: Are we carrying on pursuing that question? The population information is resolution 14. We are dealing with section 14?

Senator MACDONALD: What is the name of that band?

Chief SAMSON: Samson.

Senator MACDONALD: How many bands are there in Alberta; could you answer that question?

Mrs. GORMAN: There are, I think, 62. I have not got the figures with me. We have, as I say, just population figures and the different groups that are in them. It is 62 or 65?

Mr. JONES: There are 41 bands in Alberta and 90 reserves, comprising 1,543,867 acres.

Senator MACDONALD: That answers the question. May I follow this up?

The VICE-CHAIRMAN: Well, Senator MacDonald, I would appreciate if we could get back to No. 7. We are on No. 14 now. I wonder if there are any questions on No. 7 any member of the committee would like to ask?

Mrs. GORMAN: That is on illegitimate children.

The VICE-CHAIRMAN: Resolution No. 7.

Senator MACDONALD: Could you elaborate on that, please?

Mrs. GORMAN: When an Indian woman goes off and does not marry a white man and has a child by him the child becomes the responsibility of the band concerned. If she marries that white man it does not. If she marries an Indian man it does. For instance, in our friend John Samson's band, because of their oil wells, they pay a monthly payment on their reservation and an Indian on that reserve will receive so much a month, as will the husband or the wife as the case may be. On the Hobbema reserve the girls—shall we put it this way: A great many of the girls in Alberta like to marry boys in Hobbema, because they are given a monthly income. The result is that in the case of the girls in Hobbema the men come quite often and live on the reserve with them, and they have illegitimate children, which become the responsibility of the tribe concerned. In other words, they are able to collect money for them, and this process has developed a situation where it is almost a benefit not to get married. Therefore, we felt that if the father of the illegitimate child had to support it on his reserve he might think a little more seriously about this situation.

Senator INMAN: It really condones the situation, does it?

Mrs. GORMAN: Yes, it in face does. But it would not if the child would be the responsibility of the tribe of the man involved.

Senator MACDONALD: You are speaking of a white man?

Mrs. GORMAN: No, with a white man there is no responsibility whatsoever.

Senator INMAN: But if a girl goes on the reserve and bears an illegitimate child?

Mrs. GORMAN: Yes.

Senator INMAN: Then—

Mrs. GORMAN: Then they receive money for it. This has worked many ways. In the Sarcee tribe they have a very sad case where a woman left her husband, and they have seven illegitimate children they are paying for every month. There is nothing to stop her having seven more.

Mr. SMALL: The same man or a different man?

Mrs. GORMAN: I do not think it matters.

Senator INMAN: I sat on the unmarried mothers committee for a good while.

Mr. SMALL: They could get a divorce.

Mrs. GORMAN: They would very much like a divorce in that case, but the problem is they have to raise \$200 to get the divorce, and the husband has not got the \$200.

Mr. SMALL: As far as she is concerned it does not matter?

Mrs. GORMAN: She is living in the lap of luxury and the Sarcee reserve send her the money. But if her husband or his Indian tribe was made responsible, they would either marry or stay where they belong.

Mr. McQUILLAN: Who provides this allowance you are speaking about for the children?

Mrs. GORMAN: The tribe funds.

The VICE-CHAIRMAN: The band funds.

Mrs. GORMAN: Yes, the band funds.

The VICE-CHAIRMAN: It is a welfare thing.

The JOINT CHAIRMAN (*Senator Gladstone*): Tribal funds.

Mrs. GORMAN: It is the money they got from selling their reserves.

Mr. BEEBE: On that resolution, there are marriages, common law marriages, where there are cases like that. A woman or a girl from another reserve married a man on the other reserve, and they live together like a married couple, and they are recognized by Indians as a married couple. They have children and these children cannot be registered under the father's name, but the mother's. So, therefore, the mother pays for these children living on another reserve.

The VICE-CHAIRMAN: Because it is a common law marriage?

Mr. BEEBE: Yes, and we recognize it; but the legal terms of the government do not recognize it, and, therefore, these children are called illegitimate.

Senator MACDONALD: What is your point now? You want to have it recognized by the father?

Mrs. GORMAN: We want the illegitimate child's father to be responsible for the child, which means his tribe will be responsible and pay for it out of their funds. At the present time, it is the mother who is responsible.

Mr. BALDWIN: Mr. Chairman, I think probably what Mrs. Gorman has in mind could be met with a situation like this: if there could be made available provisions of provincial law for an affiliation order or—as in the law of Alberta, under the Children of Unmarried Parents' Act—an order was made against the putative father, that would be sufficient to cast the onus on the father or the father's band to make them responsible.

Mrs. GORMAN: Illegitimate children go with their mother, and the mother is responsible for them. In many cases they do know who is the father because they are actually living together. If you know who the father is it should be the responsibility of the father.

Mr. BALDWIN: That would be subject to proper proof of paternity, such as would be set-up or established by an affiliation order?

Mrs. GORMAN: Yes, that would be the proof needed.

Mr. SMALL: Under the race custom—the Indian tribes, under ancient custom, how did they recognize marriages in the tribes between the man and woman?

Mrs. GORMAN: We do not have that serious problem they have down east. On the whole, our Alberta Indians get legally married; except there are quite a few, because there is a shortage of divorce procedure on the reserves, who just simply live together.

Mr. SMALL: We are talking about common law marriage, where two Indians live together?

Mrs. GORMAN: Yes.

Mr. SMALL: Before we get on the reserve—and I am talking about the Indian practice of the tribes that go back three centuries—how did they recognize marriage? Did they go before the chief and say they were living together as man and wife?

The JOINT CHAIRMAN (*Senator Gladstone*): If I could just explain this: Some time in the past the Indian Act considered an Indian marriage as lawful,

but it has been amended and legal authorities have quashed that. It used to be recognized that a marriage conducted under the ancient customs was legal in the eyes of the Indian Act.

Senator MACDONALD: You mean a common law marriage?

The Joint CHAIRMAN (*Senator Gladstone*): The custom of Indian marriage.

Mr. SMALL: If there is ancient custom that confirms them as married, I do not see why they should be branded, just because they are living on the band or on the reserve—where two Indians agree to live together that they should be classified as a common law marriage, and there should be some acknowledgement or recognition it is legitimate. It is a different case when a white man comes and lives with an Indian girl. That is different. If it is a common law marriage according to Indian custom, there should be some recognition of it.

The Joint CHAIRMAN (*Senator Gladstone*): Sometimes it is, but it is not recognized—

Mrs. GORMAN: It is not recognized any more, at all.

Senator INMAN: I thought common law marriage was recognized, to a certain extent, by the government, because it was during the war.

The VICE-CHAIRMAN: Yes, for the armed services. Ontario recognizes the Indian custom of tribal marriage, if they will register. If they are not registered with the registrar general in Ontario then they do not recognize them; but if they are registered, they do recognize them. It is up to the province itself, and it is a provincial matter, as I understand it.

Mrs. GORMAN: We are concerned here with who is responsible for children of such a common law marriage between two Indians. The Indians themselves would like to see the father's tribe pay and be responsible.

Senator STAMBAUGH: Is this not a provincial matter?

Mrs. GORMAN: No, this is a question under the Indian Act. In the Indian Act it says the children—

Senator STAMBAUGH: Is this not a provincial act, and a common law marriage is not recognized among the Indians?

Mrs. GORMAN: We are not concerned here over the common law marriage being recognized. What we are deeply concerned over is who is responsible for the children of a common law marriage, which tribe is to be responsible? At present the situation is such that in many cases a woman does better not to marry under the circumstances. She can actually recover more money if she does not marry. We feel that should be rectified. We feel it can be rectified by making the father of the illegitimate child responsible if it can be proven he is the father, and therefore his tribe would be responsible.

Senator STAMBAUGH: Then the child would belong to the father's band instead of the mother's band.

Mrs. GORMAN: That is what we would like. At present the law says the child belongs to the mother's band.

The VICE-CHAIRMAN: Colonel Jones, is this not a provincial matter? Is not an illegitimate child any place in Canada the responsibility of the mother?

Mr. JONES: So far as I know, Mr. Chairman, all provincial legislation provides that the illegitimate child takes the status of the mother. That is the case under the Indian Act. The child is automatically registered and is shown on the band list of the mother.

The VICE-CHAIRMAN: That is because of the fact that it is the mother's responsibility.

Mr. JONES: The Indian Act attempts to follow provincial law.

Mrs. GORMAN: The difficulty is that in the provincial law, whether it is the mother or the father, it is the province which is responsible; but in the

case of the Indians who operate their own welfare funds, the tribe is responsible and has to pay.

Mr. BALDWIN: In most provincial legislation the father and mother are the child's guardians and have control of the child; but where the child is illegitimate I think under most provincial laws it is provided that the mother shall be the sole guardian. Under most provincial laws if a certain man is judged to be the father, an order is made by which he is compelled to pay for its maintenance. Your point is that the responsibility should be that of the father and therefore the responsibility of the band of the father rather than the band of the mother.

Mrs. GORMAN: Yes.

The VICE-CHAIRMAN: We do not have that difficulty in Ontario, because the Ontario department of health and welfare looks after that illegitimate child under the provincial department. Apparently the Alberta government does not do that, and therefore the responsibility is placed on the band.

Mrs. GORMAN: Yes.

The VICE-CHAIRMAN: They do not get the welfare allowance from the province.

Are there any further questions on resolution No. 7?

We will go on to resolution No. 8.

Resolution No. 8 is withdrawn.

We will proceed to resolution No. 9.

Mr. BALDWIN: I suppose what you have in mind here is a simplified version similar to that in respect of the Citizenship Act, which is available to everyone.

Mrs. GORMAN: Yes. This bothers the Indians terribly. The only way they can get a copy of their act is to send to Ottawa and sometimes they write to the wrong place. They would like to be given a simplified version of it. They would like to have that put up in their Indian agency office where they can see it and follow it.

Mr. BALDWIN: I take it that you would not like this prepared by the Justice Department.

Mrs. GORMAN: You will notice they have put in a very careful statement they want it drawn up by the Indian affairs branch and want it checked by a committee of Indian lawyers.

Mr. SMALL: I think the white man would like his law simplified so that he can understand it.

Mrs. GORMAN: Yes; but I think it is much more difficult in the case of the Indian.

The VICE-CHAIRMAN: Resolution No. 10.

Mr. BALDWIN: If the department is compelled actually to pay to engage lawyers for that work alone it might be quite a comprehensive program. Would it be sufficient if you had at one place a person who had some specialized training, for instance like they have in some cities to handle excise work, and other specialized government work. Would you like to have in these centres some person who would have specialized in the Indian Act?

Mrs. GORMAN: Someone to whom the Department of Indian Affairs could refer the Indian. I receive phone calls asking me if I can find a lawyer for a certain case, but I am unable to get them to take the case for the amount of money which is available. If there were a trained person available it would not be very difficult for him to give advice quickly.

Mr. SMALL: If you set up a department like that would there not be a tendency for it to pyramid into a department beyond any reasonable scope. The

staff would be overworked and would not be able to keep up with the amount of litigation which might arise.

Mrs. GORMAN: The needy litigants section of the bar association provides free legal advice to the rest of us, if we do not have funds. Their cases pile up also but they manage to get through them in a year.

Mr. SMALL: If it piles up there would be no end to it.

Mrs. GORMAN: When the Indians discussed this they were very clear that they did not intend it to mean they would be defended in criminal cases or anything like that, but rather that it would be in respect of cases where a divorce is very necessary.

Mr. SMALL: You just mean this to apply in connection with divorce alone?

Mrs. GORMAN: Divorce, adoptions and personal property. Many Indians are completely unaware of their rights in respect of personal property and get into terrible messes.

Mr. SMALL: Some white men are the same way.

Mrs. GORMAN: It is so much more severe here.

Mr. BALDWIN: I have had a considerable amount of experience in the northern part of the province. I have acted on a number of cases, particularly criminal cases. Usually what happens is that I go to the department. Particularly in respect of murder cases—and I have been involved in two murder cases—if the department came to the conclusion it is a sufficiently serious situation they will authorize legal counsel. I think that is the practice. There might be a few instances in which the department probably would feel there might not be sufficiently serious circumstances involved—it might involve civil rights of the Indian in these instances—and in these cases I would think there might be a more liberal attitude—I use the word with a small “L”—on the part of the department so that in such a situation they would authorize the engagement of counsel. This might meet the situation.

Mrs. GORMAN: In Alberta the department has had difficulty in obtaining a lawyer who would take these cases. It involves a considerable amount of time for a man to make a study of the Indian Act in order to take on some small case; whereas if there was one trained individual that they could turn to, he could probably give an answer very quickly and it would not be very expensive.

The VICE-CHAIRMAN: Colonel Jones, would you like to say anything on this? I think there is a certain amount of that now, is there not?

Mr. JONES: As Mr. Baldwin said, there has been precedent over the past number of years whereby the Department of Justice, in the case of murder charges affecting Indians, will provide counsel. But that is the only case—just in charges of murder.

The VICE-CHAIRMAN: Not in civil cases, though?

Mr. JONES: No. If you ask my opinion, I think it would be doing the Indians of Canada a disservice. It would be turning the clock back, if you made available throughout the country a big staff of lawyers, because surely provincial bar associations and the crown attorneys of the provinces could make provision for people who are not able to afford lawyers.

I think we should fight the battle for the Indians in the provinces.

Mrs. GORMAN: I understand this recommendation was passed by the Canadian bar association after I had ceased being a member of that committee. I understand that following that they passed this resolution.

Mr. SMALL: As there are so many different laws relating to divorce in each province, you would probably have to have a lawyer in every province.

Mrs. GORMAN: Yes. There are these serious problems of divorce with the Indian and with their tribe funds and so on. You get a much more involved case. For instance, in Calgary alone there are seven Indians who really need divorces; and I think it would stop more illegitimate children, shall we say, being charged against tribe funds. Although I have a package of seven to offer, I cannot get any lawyer to take them.

Mr. SMALL: How did the Indian handle that before, under their tribal laws? Was it by separation?

Mrs. GORMAN: They simply separated. It was separation in front of the public. That recognized the separation.

Mr. SMALL: It is a more practicable way than we have now.

Mrs. GORMAN: Much more efficient too—and quicker.

The VICE-CHAIRMAN: Are there any questions on No. 11?

Senator MACDONALD: Before we pass, Mr. Chairman, from the resolution that a separate department of Indian affairs be established, I remember that many years ago it was under the Department of the Interior.

What would be the advantage of having a separate department of Indian affairs? What would be the advantage over what there is now? It is now under the Department of Citizenship and Immigration.

Mrs. GORMAN: For one thing, the Department of Citizenship and Immigration has a very heavy burden in itself at the present moment.

Senator MACDONALD: Yes, I realize that.

Mrs. GORMAN: And the Indian problem is quite different, and is a peculiar one. The Indians feel that if there were one department solely devoted to working with them, greater progress would be made. There would be greater understanding in the department, for one thing.

Senator MACDONALD: I would like to get the Hon. Senator Gladstone's opinion on that question. What does the Hon. senator have to say on that subject?

The JOINT CHAIRMAN (*Senator Gladstone*): Speaking from past experience, Mr. Chairman, of being president for several years over the Indians of Alberta, and also appearing here in Ottawa, the consensus amongst the Indians when our department was transferred from the Department of Natural Resources to the Department of Citizenship and Immigration—not a department; just a branch of that department—was that if it had been done fairly, we should have been transferred to the department that succeeded the Department of the Interior.

Senator INMAN: That is Northern Affairs, is it not, Mr. Chairman?

The VICE-CHAIRMAN: That would be Northern Affairs, would it not?

Mrs. GORMAN: Yes, but again, you are into a department that is opening up.

The JOINT CHAIRMAN (*Senator Gladstone*): At the present time it is just a branch.

Senator MACDONALD: I realize it is a branch, and I realize it was a branch under the Department of the Interior. Now it is a branch of the Department of Citizenship and Immigration.

Mrs. GORMAN: It was not a branch then: it was under the department. It was not called a branch then.

Senator MACDONALD: But there was never a full-time minister over that department. That is what you are asking for: you want a full-time minister over Indian affairs?

Mrs. GORMAN: Yes. In the history—I have not got the history here; but at one time there was a department and a minister of Indian affairs. I think that is right.

Senator INMAN: I suppose it would hinge, Mr. Chairman, a great deal on the population, the people involved?

The VICE-CHAIRMAN: 185,000.

Mrs. GORMAN: If this problem were handled properly now, before it got any more serious, we think a great service would be done to the country.

Mr. SMALL: Was not the problem at one time that the Indian was vanishing, and the population trend now is reversed and there is about a 3 per cent increase every year?

Mrs. GORMAN: I believe the birth rate is double, actually, in comparison between Indians and whites.

Mr. SMALL: According to the figures I have, it works out to about an increase of 3 per cent every year.

Mrs. GORMAN: That is right; and the increase is about double that of the white population.

Mr. SMALL: Is that why you want, or feel you should have, a full-time minister?

Mrs. GORMAN: It is that, and the complicated problems of the Indians. We feel a special department which has time to really work at this problem would make greater headway, and greater headway is certainly needed here.

Senator INMAN: The population would not really warrant a department in itself, would it?

Mrs. GORMAN: No, it is only the seriousness of the problem that would warrant that.

Mr. McQUILLAN: Would you not be a little bit fearful that, by the creation of such a department—you know how departments work—they would jealously guard their position and tend to keep the Indians as Indians for now and forever? That would be one of their objectives. Whereas, I think the over-all objective should be that—the Indians have certain rights, of course, and they retain certain rights—the sooner we forget the term “Indian”, the better it will be for Canada and the Indians themselves.

Mrs. GORMAN: If we could get the system for enfranchisement for which we are asking, if the individual went into the city he would become a temporary citizen and he would automatically, during that period, leave the department on his own. It would be his individual choice. So I do not think you would find the department would have any control over whether the individual would leave or not. I think they would still develop.

Mr. SMALL: I think you have a good point there, because if you take the province of Prince Edward Island, for instance, what is the population?

Senator MacDonald: 100,000.

Mr. SMALL: Well, you have a full-time minister there; you have a premier, the minister, and everything. Here you are asking for just a minister for 180,000 all over the domain of Canada, with over 2,000 reserves. It is quite a big problem, and you have quite a good point there.

Mrs. GORMAN: It is a peculiar problem, and a serious one.

The VICE-CHAIRMAN: Are there any further questions on No. 11? No. 12? Are there any questions on No. 12? No. 13? No. 14?

Senator MacDonald: Just a minute, Mr. Chairman, before we leave No. 12

The VICE-CHAIRMAN: We are on No. 13. You want to go back to No. 12?

Senator MacDonald: Just a minute. What was the last one?

The VICE-CHAIRMAN: No. 13.

Senator MACDONALD: I have a question on the resolution:

that the federal government appoint a royal commission to inquire into every phase of the administration of Indian reserves in the province of Alberta.

I wonder if this lady could elaborate on that. I lived in Alberta myself for seven or eight years, and I spent a year down in Dunbow school amongst the Indians.

Mrs. GORMAN: The royal commission we are asking for is a Canada-wide commission; but we felt it was improper for Alberta Indians to ask for it to operate any further than in the province of Alberta. Actually, we would like a royal commission for the whole of Canada; that would be ideal. But if such a thing is not possible, we would like a royal commission for Alberta alone.

I think the advantages of the royal commission would be that, firstly, it would give the Indians who are in different areas of development a chance to air their problems. It is very difficult for Ottawa to evaluate the Indians in Canada as a whole. It is almost impossible. You cannot compare the northern Indian, who is still a trapper, let us say, with the Indian who lives adjacent to a city. The problems are very different.

I think a royal commission would bring forth these problems. It would establish better understanding between whites and the Indians; and there are many problems on individual reserves that should be aired. For instance, in our own province of Alberta I think there is hardly a single tribe which does not have some grievance which they hold,—for instance, that the highway was improperly brought in, or that the bombing range was improperly brought in, and so on, whatever it was. Such grievances should not necessarily be aired before a parliamentary committee or in parliament. I submit that a royal commission would help the Indians show the government how there are tribal problems, and what those tribal problems are, and how they are peculiar to that area.

Mr. SMALL: Do you not think that could be done better and more quickly by having a provincial committee along the lines of the one which Ontario set up on civil liberties and rights of Indians back in 1952 or 1953, when they went very thoroughly into the problem and made a report to their government on Indian Affairs?

Mrs. GORMAN: We are asking you for a royal commission because we cannot ask for a provincial one here.

Senator MACDONALD: Have you any hope, after this committee is through with taking evidence, that we come up with something very favourable along that line?

Mrs. GORMAN: I would like to see this committee extend itself into a royal commission. That has been my thinking all along.

The VICE-CHAIRMAN: Are there any further questions on resolution 13? If not, let us pass on to resolution 14.

Mr. McQUILLAN: In respect to resolution 14, the chief objected to these certificates of possession. How does he propose to divide the land on the reservation? There must be some form—not necessarily of legal title, but of recognized ownership, so that a man who farms a piece of land will have some right to it. Now, how are you going to overcome that?

Chief SAMSON: What we do on our reservation is this: when we give a man a quarter section, if he is capable of farming that quarter section, then we cannot take it away from him, if he does not have a certificate of possession. But if he does have a certificate of possession, then we have nothing to say about that piece of land.

Senator STAMBAUGH: Who decides whether he is capable or not?

Chief SAMSON: The band council.

Mrs. GORMAN: The tribes feel very bitter over the fact that there are areas on their reserves which are not being used, or which are even being rented to white persons.

Senator STAMBAUGH: Are you speaking of Hobbema now?

Mrs. GORMAN: On Hobbema and on other reserves in Alberta.

Mr. McQUILLAN: Would a man who has a certificate of possession and is renting his land to a non-Indian be able to keep the money for his own use, or would it have to go into the band fund?

Chief SAMSON: Yes, he may keep it for his own use, and he does not even have to get band council approval. He keeps the money for himself, because it is his land. It does not belong to the band any more.

Mr. BEEBE: When a man has a certificate of possession, that man has the full privilege of renting his land to a non-Indian; and that man may still go and share with the other people who are on tribal land. But in this case the chief would not have any say as to his land, although he has the full say with respect to land which is tribal land.

Mr. McQUILLAN: He can rent that land and keep the money for himself, and he does not pay any taxes on that land.

Mrs. GORMAN: And he shares in the band fund.

Mr. McQUILLAN: Yes, he can share in the band fund. I wonder if Colonel Jones could give us some information. I have probably read it in the act, but have forgotten it now. How are these certificates of possession allotted, and for what terms do they apply?

The VICE CHAIRMAN: Would you care to comment, Colonel Jones.

Mr. JONES: It is covered, Mr. Chairman, at page 8 of the Indian Act, section 20, under the title of "Possession of Lands in Reserves".

20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

And then it goes on to describe the purpose of a certificate of possession, and so on.

Mr. McQUILLAN: How long are these certificates of possession good for?

Mr. JONES: They are good forever.

Mr. McQUILLAN: You say they are good forever.

Chief SAMSON: On our reservation, before we were allowed any band loans, these certificates would have to be issued to a man who was applying for a band loan. That was a few years back. Therefore the band council had to issue a certificate of possession in order for a man to get a loan. This was a misunderstanding which later we found out about.

Mr. BALDWIN: On what basis may a non-Indian be allowed to occupy land for which a certificate of possession has been given?

Mr. JONES: Through a lease.

Mr. BALDWIN: You say through a lease from the Indian occupant.

Mrs. GORMAN: If there are certificates of possession, the Indian obtains clear title when he enfranchises, does he not?

The VICE-CHAIRMAN: No, no, I do not think so.

Mr. JONES: You are speaking of 110. You are speaking of his taking his land with him upon enfranchisement. He can only do that with the consent of the band council.

Mrs. GORMAN: But if the council did happen to consent, then he could take that land with him, could he not?

Mr. JONES: That is right, but an order in council is required.

Mrs. GORMAN: That is what disturbs the Indians also.

Mr. JONES: It has never happened yet. There must be the consent of the council of the band together with the approval of the governor-in-council. That provides a safeguard.

Mr. McQUILLAN: Is there much land held under certificates of possession which is rented to non-Indians? What about your own reservation?

Chief SAMSON: We have one man who is leasing his land to a white man. He is the owner under a certificate of possession, and he did not even go to the band council to obtain approval.

Mrs. GORMAN: Not every Indian has a certificate of possession. So the man who has a certificate of possession is in a much better position than the average Indian.

Mr. SMALL: When they introduced non-Indians into the reserve who did not belong to the band through marriage with an Indian, that Indian, when he leases his land, does not forfeit a certain claim to that land, and the money should be turned in to the Indian affairs department?

Mrs. GORMAN: It is not the case at the present time, if he has a certificate of possession.

Mr. SMALL: He should not, himself, have an advantage and be able to reap the benefits of band money later on if he is going to lease his land out?

Mrs. GORMAN: That is the tragedy with people who have a certificate of possession and who in some cases do lease it to a white person, and then live off the rest of the reserve having this additional money.

Mr. SMALL: There should be some correction made there.

Chief SAMSON: There is a slight error in the printing. That word "non" should be struck out, because none of these certificates were issued to non-Indians. They were all issued to Indians.

Therefore, that word "non" should be struck out altogether.

The VICE-CHAIRMAN: It would then read—be it resolved that we are opposed to certificates of possession or allotment being given to Indians or members of the band.

Chief SAMSON: Yes.

Mr. McQUILLAN: Could the officials of the department give us some idea of the amount of land that is held under certificates of possession or allotment by Indians, which is being leased to non-Indians in Alberta.

Mr. JONES: From memory, Mr. Chairman, there are very few certificates of possession which have been issued in Alberta. I can get the number, but it is very few.

Mr. McQUILLAN: Are there any more in Saskatchewan?

Mr. JONES: The certificate of possession or allotment system is not in effect on many reserves west; it is used in the east, and in British Columbia. The western Indians are more for communal sharing of land, rather than allowing individual ownership where they have a clear title, as in the rest of Canada.

There is very little in Alberta.

The VICE-CHAIRMAN: Do I understand that most of this land belongs to the tribe or band? —

Mr. JONES: Yes.

The VICE-CHAIRMAN: But not to one individual member of that tribe or band?

Mr. JONES: That is right.

The VICE-CHAIRMAN: But odd certificates of possession have been given out by the band to some of its members.

Mr. JONES: Yes.

Mrs. GORMAN: Not by the band, by the council.

Mr. MCQUILLAN: But the bands do, in many cases, lease land for agricultural purposes, and the returns from that go into the band funds?

Mr. JONES: Yes.

Mr. MCQUILLAN: That is why I had a misconception because, in travelling through the prairies, I often have heard the statement made of farming on Indian land—and that would be, in many cases, land leased by the band to outsiders?

Mr. JONES: Yes.

Mr. BALDWIN: I take it that you are opposed to certificates of possession or allotment being given to Indians or members of the band? That is the way it reads. If that situation existed, then it would be impossible for any leases to be granted, because there would be no certificates of possession.

Mrs. GORMAN: Except by the band. The few people that do hold these live in a very favoured position.

Senator STAMBAUGH: Do they not give up any of the band rights when they get a certificate?

Mrs. GORMAN: No.

Senator STAMBAUGH: They have all the tribal and band rights over and above that?

Mrs. GORMAN: Yes. And they rent their land, and move on.

Mr. MACRAE: Does this go on in perpetuity? Does this go from father to son? Are they cancellable on the death of the present holder?

The VICE-CHAIRMAN: The certificate of possession does pass on, in the will, to the sons and heirs of that particular Indian?

Mr. JONES: Oh, yes.

Senator STAMBAUGH: Could he sell it to an outsider?

The VICE-CHAIRMAN: No.

Mrs. GORMAN: Only when he enfranchises.

The VICE-CHAIRMAN: He can sell to any member of the band.

Mrs. GORMAN: When he enfranchises.

The VICE-CHAIRMAN: He does not have to enfranchise.

Mrs. GORMAN: He can still sell, but when he enfranchises he has to sell.

The VICE-CHAIRMAN: Are there any other questions on resolution No. 14. If not, we will proceed to resolution No. 15.

Mr. BALDWIN: That could not be implemented until you had the provincial land titles registered. This could not be done by this committee or by parliament. It would have to be with the cooperation of the provincial government.

Mrs. GORMAN: That is correct.

The VICE-CHAIRMAN: Are there any further questions on No. 15?

Mr. BEEBE: May I say a word.

The VICE-CHAIRMAN: Yes, please do so.

Mr. BEEBE: When the treaty was made we agreed with the crown that we share this country with the white people. And we honour this treaty so

much, and value it, that we cannot lose it. Our reserves are a home to the Indian. If one cannot make a living elsewhere, than off the reserve—and he fails, in one way or another, perhaps by sickness or accident, or by running out of work and he cannot afford to keep up with the living off the reserve, it is the reserve that is home to him, and he wants to go back to it. He will go back home, where he can live with his own people and be helped by his own people in the needs of his upkeep.

We Indians are very united in those items where we help each other. I think it would be proper for this committee to consider this deeply. The treaty Indian's reserve is a home to him, and we feel that the treaty rights are the foundation of this home. We must keep it as long as it is contracted for—as long as the rivers flow and the sun shines.

The VICE-CHAIRMAN: What about the case of a chap who has volunteered? I do not know whether Mrs. Gorman could find out a case where anybody has been compulsorily enfranchised by the government.

Mrs. GORMAN: I discussed that this morning and, as I pointed out, in the case of compulsory enfranchisement, the Indian chooses it because the deal is so much better. All you have to do is imply to him that he could be enfranchised, and he voluntarily does so.

The VICE-CHAIRMAN: But all enfranchisement up to now, has been, in fact, voluntary—never compulsory.

Mrs. GORMAN: Shall we say with a veiled—

The VICE-CHAIRMAN: Coercion?

Mrs. GORMAN: Yes. You see, they are given a choice: will you go out by force, or by the voluntary way, where there are many advantages. If that is so, they choose to go that way. Usually what happens, when a person is threatened with enfranchisement, as in the case I gave this morning—that young Indian returns to the reserve voluntarily, and lives there.

The VICE-CHAIRMAN: What I wanted to ask Mr. Beebe was what about those who have been enfranchised and taken their band funds out; what do you want to do regarding that case, Mr. Beebe?

Mr. BEEBE: Well, they have voluntarily enfranchised and that is their choice.

The VICE-CHAIRMAN: That is their choice and therefore they cannot go back in and accept a share of the band's funds?

Mr. BEEBE: Not if they take all their share out of the band and have gone.

Mrs. GORMAN: Anyone that has gone off the reserve and has taken a share of the band funds, can't go back.

Mr. SMALL: Don't you think the reservations were made to be a place set apart and assigned to them to live on and to make a living on, and that is the start of it? Now, they cannot make a living on it and there are so many of them it is impossible to make a living on the reservation, and therefore they have to go off. Now it has become a big problem that they have to integrate with the rest of the people, because in the day on the reservations when they wanted to go after deer or fish, they could go off the reservations and go after them as long as the land around was not occupied. But now it becomes a problem to make a living on the reservation, which cannot be done.

Mrs. GORMAN: And we are trying to find a way in which they can still have the security of their reserve and enter our life. Forcing them off and never allowing them to return to their reservations is going to stop the good Indians from living with us in this country, and by offering them money you are going to encourage the worse types of Indians to come into our midst.

The VICE-CHAIRMAN: If I might interrupt here, gentlemen, is it your wish to have a meeting tonight? Many of you can come tonight. How many of you want a meeting tonight?

Senator MACDONALD: Mr. Chairman, I think we have here a very busy committee and I belong to several other busy committees. I think we have got to drive this for all we are worth if we want to get anywhere this session. I will be glad to sacrifice and stay on again tonight—not that I am of any use to the committee anyway.

The VICE-CHAIRMAN: Personally I have to go to a citizenship banquet at the Chateau, and I cannot be here. Are there any other members that have to go to that banquet?

Mr. McQUILLAN: Wednesday night you won't find anybody.

The VICE-CHAIRMAN: I am afraid it will not be possible to have a meeting tonight then.

Senator MACDONALD: Mr. Chairman, how many can come tonight? Get their hands up and let us know.

The VICE-CHAIRMAN: Just two of you, Senator, apparently, that can come tonight.

Are you ready to continue with the resolutions on self-government, page 25?

Mrs. GORMAN: There is one correction to be made in the brief. We at one place said at page 12:

...treaty money for the rest of his life, they will give him ten years of his own money...

That should be "twenty" years.

The VICE-CHAIRMAN: Page 12?

Mrs. GORMAN: Yes, eleven lines from the top where it says "...the rest of his life, they will give him ten years of his own money..." and it should have been "twenty".

Senator MACDONALD: Mr. Chairman, I do not like to go back on anything but in the next line it says:

And finally, if a man holds a certificate of possession or a location ticket, he may even take away with him a piece of the reserve that was promised to the Indians forever.

I was under the impression a little while ago that he could not do that. What do they mean here, then?

Mrs. GORMAN: I think Colonel Jones spoke to that.

Senator MACDONALD: I thought you said the very opposite to that in my understanding.

The VICE-CHAIRMAN: But only when he takes enfranchisement.

Mr. McQUILLAN: Mr. Chairman, would a holder of a certificate of possession be allowed in his will to leave that certificate of possession to a child of a white mother?

The VICE-CHAIRMAN: If she had married an Indian in that band I presume so, yes.

Mr. McQUILLAN: I am speaking, let us say, of a man who had a certificate of possession and left the reservation, and became enfranchised as he could do. He could still hold that certificate of possession, could he not?

The VICE-CHAIRMAN: No, not if he becomes enfranchised. He has to sell it to the band or someone else in the band.

Mr. McQUILLAN: Well, supposing he marries a white woman who goes with him to the reservation and he does not become enfranchised, are his children heirs to that certificate of possession?

The VICE-CHAIRMAN: I would assume so, because the white woman becomes an Indian the minute she becomes a member of the band so that their children are Indians.

Mrs. GORMAN: In section 110 it simply says:

...shall be offered for sale by tender by the superintendent and sold to the highest bidder...

And there is nothing in the act that says it cannot be sold to a white person.

The VICE-CHAIRMAN: Oh yes, other places in the act.

Mrs. GORMAN: Where would it be?

Chief SAMSON: This land can be sold to the white man.

Mr. McQUILLAN: There are many things in our laws that are not practised.

Mrs. GORMAN: But the Indians are very terrified of it. It says:

...shall be offered for sale by tender by the superintendent and sold to the highest bidder...

The VICE-CHAIRMAN: Ladies and gentlemen, the impression of Chief Samson is that this land can be sold to the whites. That is untrue, is it not Colonel Jones, unless the whole band want to sell their reserve?

Mr. JONES: If I understand the problem the answer might be found under section 25 which says:

An Indian who ceases to be entitled to reside on a reserve may, within six months or such further period as the minister may direct, transfer to the band or another member of the band the right to possession of any lands in the reserve of which he was lawfully in possession.

Mrs. GORMAN: Then it goes on; if he does not, by tender it can go to the highest bidder.

Mr. JONES:

Where an Indian does not dispose of his right of possession in accordance with subsection (1), the right to possession of the land reverts to the band, subject to the payment to the Indian who was lawfully in possession of the land, from the funds of the band, of such compensation for permanent improvements as the minister may determine.

I wonder if there is a confusion with section 110 where the governor in council may with consent of the band council declare that any lands within a reserve of which the enfranchised Indian had formerly been in lawful possession shall cease to be Indian reserve lands.

Mrs. GORMAN: That is the question he was asking, sir. And as I say it says:

Shall be offered for sale by tender by the superintendent to the highest bidder...

And it does not say whether the highest bidder has to be white or not, Indian or not.

Senator STAMBAUGH: Can you show any time it has been done?

Mrs. GORMAN: No, but the Indians like to have their act designed so it does protect them in cases of emergency. They do not want to close the door after the horse has gone.

Mr. JONES: No one but a member of the band can own land on a reserve, so the highest bidder must be the band or a member of the band.

Chief SAMSON: It should be so stated in the Indian Act.

The VICE-CHAIRMAN: The only case, Colonel Jones, where that could happen might be if the whole band decided to break up their reserve and sell the whole reserve on a vote.

Mr. JONES: Oh yes.

The VICE-CHAIRMAN: That is the only way they could come into possession of whites. Is it not?

Mr. JONES: Yes.

Mrs. GORMAN: I feel if such is the case that it is never done it would not hurt to put in "and sold to the highest bidder provided he is of the band".

The VICE-CHAIRMAN: What section is that in?

Mrs. GORMAN: 110, if section 110 is left in. We are hoping, of course, 110 will go. You see, this gentleman went back to the enfranchisement section in his question. If 110 is left in it should clearly say it must be to an Indian that it is sold.

The VICE-CHAIRMAN: Well, are you prepared to go on to page 25 with resolutions on self-government, No. 16 on page 25?

Mrs. GORMAN:

16. Be it resolved that all decisions involving reserve lands, existing or proposed leases, alienations or surrenders, and the extension or the termination of such leases as may affect

—and not "in effect"—

as may affect band or trust funds, be decided by a properly called band meeting of the band concerned.

At the present time, the band council, with the consent of the minister, make these decisions. The Indians feel that their council's power is probably too great. You would have to understand that the Indians in their early days felt the council—which was the old hereditary council—were the tool of the government. They would like to have a voice in saying if their land ought to be disposed of. They would not like to trust this to their council. It concerns usually quite large sums that affect the band funds. They would like the whole tribe to decide it rather than council.

The VICE-CHAIRMAN: That is in the case of individual leases as well?

Mrs. GORMAN: No, it would not be individual leases, but ones that affect band or trust funds.

The VICE-CHAIRMAN: Any questions on resolution No. 16, ladies and gentlemen?

Resolution No. 17?

Mrs. GORMAN: Resolution No. 17 discusses their desire on how the Indians bring in the budget. At the present time the council bring in the budgets, and the Indians feel they are not aware of what is being done with their funds. They are asking that instead a special meeting be called by the council, where the budget is explained to them, and they are given an opportunity to vote on this.

17. Be it resolved that the council of each band must call a public meeting each year, giving 30 days' notice, to bring before the members of the band the proposed budget of expenditures for the coming year, and

Furthermore that such a budget must receive the majority votes of those band members present at the meeting, and

Furthermore that a majority vote of the whole band must be taken on any proposed expenditure which is in excess of 10 per cent of the band funds.

We do have special plebiscites in our municipality when large sums of money are involved, and the Indians are saying, "Our band council handle our money, and we would like to call a special meeting, where we would be given a voice in handling this money."

18. Be it resolved that the by-laws of each band be consolidated by its superintendent and kept in the agency office where they can be freely consulted by the band council or members of the band.

Presently, some councils do this in some tribes, but not all do. They would like this to be a universally accepted principle.

19. Be it resolved that in any section of the Indian Act where the Minister's discretion or that of the governor in council is exercised in any manner which an Indian or band of Indians feels to be inequitable, there shall be appeal from the decision to a judge of the supreme court of the province where the Indian or band of Indians is located.

In connection with this, we specially annotated six copies of the Indian Act. I wonder if we could hand those out.

The VICE-CHAIRMAN: Where are they?

Mrs. GORMAN: There were six specially annotated copies, marked in red. I have one, and we brought six copies and six by-laws.

The VICE-CHAIRMAN: Someone has picked them up, I guess. Do you wish to table it as an exhibit?

Mrs. GORMAN: We had six to show the various members.

The VICE-CHAIRMAN: These are two.

Mrs. GORMAN: That is just the amendments.

The VICE-CHAIRMAN: You want to table this?

Mrs. GORMAN: Yes, if we could, in connection with resolution No. 19.

The VICE-CHAIRMAN: Is it agreed that this be tabled with regard to resolution No. 19?

Agreed.

Mrs. GORMAN: The reason we are tabling the act is that the Department of Indian Affairs, the minister, is given almost complete power over every aspect of the Indians' life. In order that you could quickly see this we had annotated the act, underlining in red the sections where the minister was given power over the Indians. As you can see, in nearly every single aspect of the Indians' life—whether concerning real property, personal property, wills or anything—the minister is given power. This is all a discretionary power. The department is in a peculiar position. It holds this land in trust for the Indian, as trustee, and yet it is able to make a decision on this matter. We feel, because of that relationship, the Indians should be given the right, if they so desire, to appeal the minister's decision to a court of law.

This resolution has been endorsed by 32 white societies, large groups too, and different political groups in Alberta; and it has also been endorsed by the Canadian Bar Society. It would be a measure giving the Indians a little more self-government, without taking away the control of the department. The

Indians recognize that—with their present education and training—they need the aid of the department in making many decisions, but they are asking for the right to appeal to a court of law.

Mrs. GORMAN: Resolution No. 20.

Be it resolved that all superintendents be required to cooperate with band councils in conducting their business.

In conducting our business now there is a definite lack of communication. The Indians feel that they ask for a certain thing and the superintendent simply says "No; I cannot give the information". On the other hand, in some cases they feel that the superintendent does not make clear to the Indian councils the problems that they are trying to study. This is simply an interdepartmental recommendation. This has caused much bitterness on the reserve.

Resolution No. 21.

21. Be it resolved that no delegates should be asked to attend any conferences or meetings with representatives of Indian affairs branch until they are fully informed of the subjects to be discussed, AND

Furthermore that any delegates whether chiefs, councillors, band members or representatives of Indian organizations, be allowed legal advisers and interpreters, AND

Furthermore, that such delegates should be elected by their band or organization at a public vote rather than by appointment by the government.

In the past the Indians feel there have been many conferences and many decisions made by the government regarding their affairs at which they felt picked delegates were sent. In some cases when they were not picked delegates they were delegates who could not understand what they were doing. I think that at the last similar meeting a delegate came from northern Alberta who spoke only Cree and French. He came home without having understood a single word.

They would like to have interpreters as required and would very much like to have a legal adviser because often they are required to agree on legal technical matters on which they are not informed.

Resolution No. 22.

22. Be it resolved that a delegate from the Indian association of Alberta be invited to any future conferences called by the Indian affairs branch in which matters relating to this area are to be discussed.

It was felt that the Indian association is an association of all Indians trying to work together for their own benefit. Frankly, gentlemen, I feel this is wonderful organization. Indians must be encouraged to lift themselves by their own boot-straps. This association meets yearly and studies matters. It would like to have a delegate present at all conferences.

Resolution No. 23.

23. Be it resolved that grants should be made to Indian societies and organizations so they may meet to exchange information and discuss their problems.

This would simply mean we would like a small grant to the Alberta Indian association and would also like a small grant to any Indian organization which is attempting to better its lot. The reason for this is that it is very difficult for these Indians to assemble. On this brief alone I would estimate roughly that the Indian individuals have spent at least \$2,000 in preparing and presenting this brief to you. This is a hardship when they are poor. I understand

that at present a grant is being given to a group of whites who are studying Indians conditions. What we are asking is that grants be given to the Indian groups across Canada who are attempting to improve their conditions.

The VICE-CHAIRMAN: Ladies and gentlemen, are there any questions on page 25? Is it the wish of the committee to continue the questioning on this group of resolutions now?

Senator STAMBAUGH: It is pretty near adjournment time.

The VICE-CHAIRMAN: It is. I am wondering if you wish to continue for a few minutes.

Mr. MCQUILLAN: I have no further questions.

Mr. SMALL: There is this matter of decisions on leases or surrenders, and the matter of band meetings and band councils. How does it work now?

Mrs. GORMAN: It is the council which decides at the present moment.

Senator STAMBAUGH: It is the band council.

Mrs. GORMAN: Yes; some of whom are elected and some of whom are still appointed.

Mr. SMALL: What is the balance? Are they evenly appointed and evenly elected? Is there some dissatisfaction with it? Why do they want a general vote to be taken?

Mrs. GORMAN: They feel this concerns their monetary interest and therefore they would like it handled by the tribe. I think in many instances there is the question of loans to relatives and so on involved here. They think it should be reviewed by the tribe as a whole and decided, if a large lease is involved.

The VICE-CHAIRMAN: What is meant by surrenders?

Mrs. GORMAN: As I understand it a council can surrender.

Mr. SMALL: No.

Mr. JONES: It must be a majority vote of the eligible electors. If it is not successful, but a majority of those voting are in favour, in 30 days they can request another meeting of the electors.

Mrs. GORMAN: These resolutions were drawn up by the Indians themselves. It must be that they are under the impression that the council could handle surrenders.

The VICE-CHAIRMAN: Chief Samson was under the impression they could be sold to whites. That is incorrect.

Senator MACDONALD: I would like to understand whether or not both these gentlemen here are chiefs?

Mrs. GORMAN: One is a chief and one is a life time councillor.

Senator MACDONALD: We had a delegation here a few days ago the chief of which did not know everything that was going on. Do you know everything that is going on in your band in respect of financial matters?

Mr. SMALL: Under advice of legal counsel do not answer that.

Mrs. GORMAN: Would you gentlemen like to be asked if you know everything that is going on in parliament?

Chief SAMSON: I will not say I know everything that is going on in the reserve, but I think I know pretty well.

Senator MACDONALD: There is no band money being spent without your knowledge?

Chief SAMSON: No.

Senator MACDONALD: We had a case a few days ago. Am I permitted to mention it?

The VICE-CHAIRMAN: He was under the impression that he had not been advised of certain things.

Senator MACDONALD: That is right.

The VICE-CHAIRMAN: But I think Colonel Jones more or less cleared the matter up; that he had been, if he had remembered such. Would that not be a fair conclusion, Colonel Jones?

Senator MACDONALD: That is a polite way of getting around it. We will leave it at that.

Mr. SMALL: Resolution No. 17 refers to public meetings. What procedure do you want followed there? What is the procedure at the moment?

Mrs. GORMAN: At the present moment the council has to budget completely alone, and they do this in almost a secret meeting. It seems on some reserves, like the Sarcee, all the councillors invite the entire band to attend the meeting. On other reserves the councils meet almost in secret and settle this matter.

So they felt all bands should be encouraged to invite their electors to the budget meeting. In our municipalities our budget meetings are reported in the press; they are very quickly circulated, and so on. On a reserve people live far away and they are not aware, often, of what the council has done. And the council is given quite large powers under the Indian Act to spend a great deal of the Indians' money.

Mr. SMALL: You mean, they should just be given the right to attend, not to participate in the setting up of the budget?

Mrs. GORMAN: No, they would like to have the budget presented to them. They would be told there was a meeting, and those who would hustle around would get to the meeting, attend, and vote. They would approve or disapprove the budget, that is all.

The VICE-CHAIRMAN: Only where the proposed expenditure is in excess of 10 per cent of the band funds, is it not? That is what you have here.

Mrs. GORMAN: No, that is a "Furthermore", is it not?

Furthermore that a majority vote of the whole band must be taken on any proposed expenditure which is in excess of 10 per cent of the band funds.

In that case, the whole band must vote on any proposed expenditure which is in excess of 10 per cent of the band funds.

Mr. SMALL: It all depends how large the band is. I suppose it would vary according to the size of the band. If they have elected the council to look after these matters, surely they should have enough confidence in them to deal with that.

Mrs. GORMAN: There have been some great tragedies in this regard. For instance, the group on the council may be men who are well off, and they may decide to bring electricity on to the reserve, which results in terrible expense for the rest of the band and practically uses up all their band funds. And it is unavailable to other members. Then, they have not learned about this until about a year later.

In fact, on some of our reserves the council is very careful; they hold an open meeting. But there are councils in Alberta who hold secret meetings.

The VICE-CHAIRMAN: I am certain, Mrs. Gorman, that some of us could cite examples in our own municipalities where that very thing has happened, but we have not known about it until shortly after the meeting.

Mr. SMALL: The council should be allowed to conduct the business, and those in the band should be allowed to attend and know what is going on; but if they all vote—

Mrs. GORMAN: Because of the peculiar nature of the Indian reserve, where money is community property, it is a little different to our municipal set-up.

Mr. SMALL: If they were all allowed to attend, they could see what was done. They would be given the right of assembling, free speech, and so on, and would know what is going on. But I do not think the whole lot of them should vote. There may be 100 or so there. The council should be able to decide if they are going to have it or not.

Of course, it all depends on the amount of money that is involved.

Mrs. GORMAN: There are three resolutions in there. The first is that they must be invited to the budget meeting. The second one is that they can take a vote on it. The third one is that if any expenditure is over 10 per cent, a vote must be taken.

Mr. SMALL: That is fair enough.

The VICE-CHAIRMAN: Gentlemen, it is far past the regular adjournment hour. Is it your wish that we adjourn now and come back tomorrow morning at 9.30?

Agreed.

The VICE-CHAIRMAN: In room 176F.

Senator MACDONALD: Are we through with this delegation?

The VICE-CHAIRMAN: No, they are continuing.

Mrs. GORMAN: We are only half way through.

Senator MACDONALD: If we were through with the delegation, I was going to move a vote of thanks.

EVIDENCE

Thursday, May 12, 1960

The VICE-CHAIRMAN: Ladies and gentlemen, we have a quorum now and I think we should get started as quickly as possible.

Mrs. GORMAN: You had some exhibits that you wanted to table at this time, I understand.

Mrs. J. C. GORMAN (*Legal Advisor to the Indian Association of Alberta*): That is right, sir. The first one is an article published in the *Beaver* magazine, which I think would be of interest to the committee.

The VICE-CHAIRMAN: We just want two copies of each.

Mrs. GORMAN: The next one I was asked to submit by many Indians who could not attend meetings. Petitions were sent to their reserves, and they often sent petitions to me voluntarily, on their own. I think the importance of this is that it contains 572 signatures of Indians who endorsed the brief.

The VICE-CHAIRMAN: There is just one copy of this?

Mrs. GORMAN: That is all; and the importance is the signatures, their expression of desire to support the brief.

This one is two scrapbooks. One is composed on living conditions and welfare, and a scrapbook of newspaper clippings showing the Indians dissatisfaction with enfranchisement.

The VICE-CHAIRMAN: I believe we are at resolution 18 on page 25 of your briefs, ladies and gentlemen. You were questioning on resolution 18. Would you proceed with the questions. Mrs. Gorman has already gone through her statement on these resolutions, and we will proceed with the questioning on 18.

Are there any questions? If there are no questions on 18, we will proceed to 19. You all have briefs before you?

Senator HORNER: I do not have a brief, Mr. Chairman.

The VICE-CHAIRMAN: They were distributed to all the members, Senator, several weeks ago.

Mrs. GORMAN: I have a copy which the senator can have.

The VICE-CHAIRMAN: Are there any questions on 19? No. 20? I do not think it is necessary to read these over again. No. 21? No questions on 21? Resolution 22? No. 23?

Then we will proceed to the resolutions on education, on page 32. Mrs. Gorman, would you care to go over these resolutions.

Mrs. GORMAN: Hon. Chairman, members of the committee: On behalf of the Indian delegation I would like to say that we realize this committee is a very busy committee and is very pressed for time, and we do realize that the Indian population is only a minority group in Canada. But we would like to remind you that in many cases, when we look back through history, the problems of a minority group have become important problems to the whole country, far out of proportion to the size of the population which created those problems.

Therefore, we are asking you to pay every careful attention to our brief. We will try and be as brief as we can, because we know you are rushed for time. But the Indians did spend months preparing this brief; they spent a

great deal of money on it, and we think it is very important that this committee be aware of what it is the Indian wants, because it is only through cooperation that we can possibly solve this difficult problem of the Canadian Indian.

Now, the resolutions on education.

Senator HORNER: On what page is that?

The VICE-CHAIRMAN: Page 32.

Mrs. GORMAN: Resolution No. 24:

Be it resolved that the Indian association of Alberta urge upon the dominion government the necessity for a complete reorganization of the Indian school system based upon a complete re-examination and re-evaluation of the needs of the Indian people as a minority within the dominion population and that this study must concern itself with the causes of the present inadequacy and with the means to remedy it.

In the early days the Indians were reluctant to accept education, but they now realize its importance. They also are aware of the inadequacy of their educational system. This committee has had comparative statistics between Indian and non-Indian education, so I need not stress that at all. But I would like you to know that the Indians are anxiously asking for an improvement in education facilities, and they feel this can best be done by a re-examination and re-evaluation of their needs.

The manner in which this is to be done is revealed in the next resolution, No. 25:

Be it resolved that the Indian association of Alberta, realizing the close connection between education and general welfare, repeat its demand for a royal commission and urge that this commission undertake the inquiry into education proposed in the first of these resolutions on education.

You will remember that earlier in our brief we asked for a royal commission. We feel that if such a commission is appointed it should look into the educational question.

Resolution 26. In Alberta we had a provincial royal commission on education. This was under the chairmanship of one of your senators, Senator Cameron. At the time of the sitting of that royal commission for Alberta, the Indian association of Alberta presented a brief, and that royal commission gave careful consideration to it. We have presented here their findings regarding the education of Indians.

Resolution 26:

Whereas the Alberta royal commission on education has made the following recommendations regarding Indian education in Alberta:

"That the Alberta government pursue agreement with the dominion government to the end that more provincial responsibility may be assumed for the aducation of Indian children."

This does not mean that the Indians feel education is no longer the responsibility of the federal government. They recognize that it is. It was established under their treaties. But they do feel that closer cooperation between the provincial government and the department, and, shall we say, a planned program of Indian education, would improve the situation.

The second recommendation of the royal commission on education in Alberta was:

That thorough study be made as to whether integration in schools is the best policy; and if so, how Indian children can best be prepared for this policy.

Where integration is considered best; and it is recognized that not in all areas is it best—it is recommended that special attention be given non-Indian children so that they may understand and appreciate the heritage and problems of the Indian children during a period of adjustment.

We feel it is especially important that the white child have explained to him why the Indian child is probably of an older age in the group he is in. For instance, in Alberta the Kiwanis opened up their camps this year to Indians. The children had to be under 14. I approached one tribe and the only boys they had under 14 who could go to this camp were in grade 3. This would create a serious problem. That is the reason why the white children must be prepared beforehand and must understand that it is not of necessity the fault of the Indian child that he is in grade 3.

We felt also that the non-Indian child who is going to go to school with the Indian child must be prepared, shall we say, to counteract the unfortunate propaganda presented by the movies and television. There is one very sad story of a little girl who kept denying when she was in a school with whites that she was Indian. When asked why she said "I do not want to be an Indian because when we play games I always have to be killed". This is the thinking among children. It must be changed. They must learn to respect the Indian child equally with the white.

The commission went on further and recommended that the courses of study, particularly social studies, be scrutinized to see that a fair and proper treatment is given to the place of the Indian people in the history of Canada. Here we find the same problem as I mentioned previously. Rarely are children in schools told of the contribution made by the Indians to Canadian history—their cooperation in the early days and their tremendous war effort on our behalf.

The commission urges further "that the whole education program envisioned in this report be extended to Indian children." The Cameron commission called for an improvement in education in Alberta and they note that if this improvement is given to the non-white schools it certainly must be given to the Indian schools. They stress the need for similarity between the two programs of education.

The commission further advised that in adult educational programs designed to assist the Indian people that these be increased and certain things be studied. This is specially important if the vote is to be given to the Indian because presently on the reserves there are many elderly Indians who can hardly read or write. Adult education programs are desperately needed, especially if Indians are going to vote.

The commission went on further and stressed that Indian children be not denied the right to an education because of lack of finances on the part of their parents, because the standard of living of the average Indian family is below that of a white family. Many Indian children have to go to school with inadequate clothing, often without glasses and sometimes without transportation or sufficient lunch.

The resolution from our society says that we endorse and approve the recommendation of the Alberta royal commission on education, with the provision that the last recommendation, that is the recommendation that, Indian children be not denied the right to an education because of lack of finances of their parents, apply to higher and specialized education and further, the Indians request that the federal government make available funds to implement this report.

Resolution No. 27.

27. Be it resolved that the Indian association of Alberta urge upon the dominion government that it immediately take steps to institute a regular short course in Indian anthropology and culture at, say, the Banff school

of fine arts, that this course be conducted by the best and most skillful person available, and that completion of such course be regarded as a necessary preliminary to employment by the Indian affairs branch as a teacher in Indian schools.

This resolution is the result of a discussion with the Indians and with many teachers who were working with the Indians. Both felt there was a great deal of waste of time because the teacher, when she arrived on the reserve, knew practically nothing about the people with whom she was dealing. When this was brought before the Indian association, it felt the short course possibly should be extended and be given to employees of the department of Indian affairs. If these persons could be given a short course which would make them aware of the Indian and his problems before they get there, there would be much more efficient handling of the problem.

Resolution No. 28:

Be it resolved that the Indian association of Alberta urge upon the dominion government the immediate adoption of a bonus system as an added inducement to teachers, a system which should include:

1. A general bonus to all teachers over the average provincial salaries.
2. A special attention to the construction of suitable housing, which is at present deplorable, and
3. The payment of a special extra bonus to teachers in designated remote areas.

22 per cent of the Indian teachers are presently not fully qualified in Alberta. The Indians are pleased that over the past few years the wages of persons teaching the Indians have been raised so that they are equal to the wages of persons teaching non-Indians. We feel, however, that we will only get teachers to teach if there is an added incentive, because the job is a very difficult one. It is felt that decent housing conditions should be provided. For instance, on one reserve last year, the teacher's trailer was so cold that the school had to be closed down for three weeks.

Resolution No. 29:

Be it resolved that the I.A.A. urge upon the dominion government that they instruct the Indian affairs branch to survey the children in Indian schools, to find out those children (even at an early age) who show desire and ability to teach, and that they then aid these children in working, both in school and in university, towards a career as teacher.

As there is difficulty in acquiring teachers for Indian schools, this would be a logical solution; that is, to train Indian children—children with talent—pick them out and give them special training so that they could become teachers of their own people. I think this also would return to the Indian people some of the pride they have lost; if they could see their own people were able to teach them.

Resolution No. 30:

Whereas an acute difficulty shows itself at present in the accommodation of Indian pupils in Calgary and in Edmonton.

Be it resolved that the I.A.A. urge upon the dominion government the need for immediate setting up of hostels.

Presently children who have to come to Calgary to get their high school training or to be apprentices in trades such as mechanics, or to attend the technical school, are boarded out in private homes. These homes are not always

of the best caliber and supervision often is lacking. There is also the problem that the children are extremely lonely. The shift from the Indian reserve to a white community is, shall we say, almost too violent for them. The hostel simply would be a boarding house where they would live while they attend the ordinary schools in the city; but they would be living together in a hostel under supervision.

Resolution No. 31:

31. Be it resolved that the I.A.A. urge upon the dominion government immediate action upon the following specific requests, all of them passed in proper form by the proper band council:

1. The band at Goodfish lake requests a United church kindergarten.
2. The bands at Frog lake and Kehiwin both request day schools on the reserves.
3. The band at Samsons requests a protestant school on its reserve.
4. The band at Pauls requests a junior high school on its reserve.
5. Cold lake and Saddle lake reserves each request a Roman Catholic semi-boarding school on their reserves.
6. The band at Driftpile asks that the Indian affairs branch provide a school van and driven by an Indian.

These resolutions were passed last fall. Since that time some of these projects may have been undertaken. The association, however, requests that this committee ascertain whether or not these things have been done.

At this time our association received a further request as to a school. As our annual meeting was over this was not properly passed at an annual meeting, but I would like this committee to hear this request.

Mr. HOWARD BEEBE (*President, Alberta Indian Association*): Mr. Chairman, just before I left we had a special resolution concerning the Peigan Indian reserve at Brocket. They have four resolutions concerning their problems. The first resolution is that a residential school big enough to accommodate 60 pupils be built adjacent to the new day classroom block. This was moved by Mrs. Susi Smith and seconded by Mrs. Pete Smith. In this case they have families which could not meet the problems of a day school. With 60 pupils who are lacking of their needs it would hurt the families if they were at day school, so they would like to have this residential school. Brocket having no industry and Indian homes scattered widely through the village of Brocket, it was felt that should all children be required to attend school in Brocket and should the minister decide to build a catholic residential school the children would not have the proper freedom.

The second resolution is: resolved that the site chosen by the council and catholic parents be at Charlie Crow Eagle's residence. This was moved by councillor Charlie Crow Eagle and seconded by councillor Pat Bad Eagle. They found this site which is closer to the river and they figure they will find good water there.

The third resolution is: resolved that children be taught on the Peigan reserve schools up to and including grade nine.

Resolution 4: be it resolved that children who reach the age of 12 years or grade 7 be kept in a residential school so that he or she may attend school and properly do their home work unless parents choose otherwise.

These are the four resolutions that the Peigan Indians have.

I understand that the decision has been made that these two residential schools would be closed in 1961, and that the children would be sent to the Blood reserve residential school.

I have a letter from one of the principals of a school. I will read this out to you. It concerns a conversation I had. I will read the first paragraph:

Dear Mr. Beebe:

After our conversation of Saturday, April 30th, where you asked me my opinion regarding the admission of pupils of other reserves to St. Mary's Indian school, I wish to inform you, at this time, that after compiling the number of pupils that are due to be registered at St. Mary's Indian school in September, and after considering the few pupils that are due to be discharged from this institution in September of 1960, it would be rather difficult for the management of St. Mary's Indian school to accept pupils from another Indian reserve in large quantities, because of the lack of accommodation at the St. Mary's Indian school.

The Catholic school we have on the Blood reserve is not big enough to handle all the Catholic families on our reserve. The principal has stated that the amount that are coming in and the few going out would make it very difficult to accept children from other reserves.

In the next paragraph he states:

You will understand, Mr. Beebe, that it is not my intention to close the doors tightly on the pupils of other reserves, who wish to come to St. Mary's school, because it is good at times to have an exchange of pupils. And the situation that seems to arise at the present time is not a question of exchanging a few pupils with another reserve, but it seems to be the policy of some officials of the department to send us a number of high school pupils from Brocket because they themselves are lacking the facilities for high school pupils at Brocket itself.

This would kind of hurt some families in our reserve when they cannot put their children in a residential school. There are some people who move away from home on jobs and they cannot stay home or they would suffer a hardship.

You have heard these two paragraphs, so I will stop there.

Once more I would like to mention education. I have seen that the only way to educate an Indian is to give him the freedom of choice. There are children on the reserves who could not learn in our schools being with children they know, because instead of studying they went to have fun. There are children who cannot learn with the whites, by being shy and thinking that they cannot live with white people. So you must give the Indian children a chance to choose where to be educated according to where they are fitted.

We have hostels in our resolutions. There are children who cannot find places in town to stay, but if we have these hostels we would have room for them to live.

Thank you.

The VICE-CHAIRMAN: Chief Samson, have you something to add?

Chief JOHNNIE SAMSON (*Samson band, Hobbema, Alberta*): Yes sir. You will notice in the resolutions on page 33 the band has requested a day school at Samson band. There are plans under way to build this school. They are building one teacherage on this site. We were told there would be two built. Now we are told there is just one to be built for one teacher. The teacher we have there now is living in a cottage which is built on skids so that it could be moved. We understand they are going to move this cottage to the new school site. It is very inadequate for a new teacher to live in. It has no plumbing facilities or anything like that. We require another teacherage be built for two teachers, so we therefore request another teacherage should be built for two

teachers. This is going to be a two-room school, and our population, as you all know, is increasing. It should be planned so that an additional one could be built in the future.

The VICE-CHAIRMAN: If that is all, we will start with the resolutions on education at page 32, ladies and gentlemen. Resolution No. 24.

Mr. GUNDLOCK: Mr. Chairman, in Mrs. Gorman's opening remarks she made the statement that "a complete reorganization was necessary," and, later, that an inadequacy existed and that improvement was necessary.

Mrs. GORMAN, I wonder if in your opinion you actually think the present educational system, as it might be called, is completely inadequate; or are we to assume that there are some useful parts, and that we should go on from there by way of improvements—or did I misunderstand you?

Mrs. GORMAN: No, I think great headway has been made in the last few years in the educational system. However, I do feel the Indians are in a process of change at this point, so there should be a study undertaken. More Indians are seeking education in different fields, and there is this problem of integrated education; so I do feel a new study should be undertaken.

They are grateful for the improvements in the past, but I do not think the average citizen is aware of how inadequate the Indian's education is. This Indian man and his children need more education than we do, because of the situation that they have to live in in the past. Their only hope to get out of this situation is by education. Therefore, it is a very important feature of their life. It is a changing feature; and there should be a re-evaluation at this time.

Mr. GUNDLOCK: I thought I understood that. I thought the words were "complete reorganization".

Mrs. GORMAN: I feel it is completely inadequate for their situation. They are receiving education, but not sufficient to make them self-supporting, which is what we are seeking.

Mr. GUNDLOCK: Do you have any other resolution on this here? I would like some of your opinions on this.

Mrs. GORMAN: Well, for instance, in Alberta,—and we are talking about the Alberta Indians—although we have 18,000 Indians, not one single Indian has graduated from the university of Alberta. We have some figures on page 27.

Mr. GUNDLOCK: In your opinion, if I may interrupt you, why has not one Indian graduated from the university?

Mrs. GORMAN: It is a combination of circumstances.

Mr. GUNDLOCK: A combination of everything?

Mrs. GORMAN: Yes. You cannot say it is one thing. I will admit—and I think the Indians will—that in their early days they were not too cooperative about education. Now they have overcome that; but, of course, the results of that lack of cooperation are still evident. I do not think the government has quite realized how many Indians really are seeking education now in all these fields. When we get into employment, you will see how few are trained for employment, and I do not think the government have met this problem.

Mr. GUNDLOCK: Coming back, for a moment, to this "complete reorganization," do you actually feel this needs complete reorganization, or is there some part of it we can retain?

Mrs. GORMAN: Yes.

Mr. SMALL: If you read this over, I think you will see there has been a mistake in the expression used here.

In the second paragraph on page 27, it says:

For this reason, we recommend that the government make a complete examination of its school system—

You are not asking for a reorganization, but just an examination. There is a mistake in the expression used there.

Mrs. GORMAN: Following on, and as a result of that examination, we would like them then to reorganize their teaching system.

Mr. GUNDLOCK: It was only on your previous remarks that I asked this, and wondered what you had in mind.

Mrs. GORMAN: Our feeling is that we would like it all reviewed, and following that review, the finding of the review applied to the whole system.

Mr. SMALL: I think you have covered it in the first paragraph. You have the gist of the whole thing there; and that is that the Indians themselves have an attitude towards education, and that is not meant the way the authorities are putting it. They have an attitude towards education by which they are trying to turn them into white people; and that is how you express it here. They want to continue as Indians, and as I have expressed it from time to time myself; "Let them be what they are, and try to fit them into the picture of education."

Mrs. GORMAN: We feel some Indians want to continue on as Indians in Alberta; and others are very glad to go to integrated schools. It is only by study that you will see this; and it is just as important that the ones who are terrified of education should be converted to schools.

Mr. SMALL: I think by years of association with white people that will disappear. I think it is largely worn down right now. But does not the schools system of Alberta fit into this picture somewhere?

Mrs. GORMAN: Yes. I think probably Colonel Jones could speak on that better than I but they work with the inspectors.

Mr. JONES: That is correct, Mr. Chairman. All our schools—residential and day—in Alberta are inspected by provincial inspectors. The curriculum is based entirely on the provincial curriculum. We try to give the Indian people pretty well the same education as prevails in the non-Indian schools.

Mr. SMALL: The Indian department cannot go any further than the educational system adopted in each province, because that comes under their jurisdiction, and that is one of the rights they had at Confederation. But to put any other addition to it has to come from the Indian Department; but it must fit into the educational policy of the province.

Mr. JONES: We try to fit the Indian education program into the provincial standards and curriculum.

Mr. SMALL: It is a difficult job. They want things introduced that probably would not be acceptable to the provincial education policy.

This particular way of trying to adapt them to being educated with the whites, that should not exist. There should not be any differences expressed at all, and we should be equal all the way through.

Mr. JONES: We have very good relations with the province of Alberta, as regards Indian children being educated in their schools, if the Indians want it.

Chief SAMSON: On the drawback of the Indian with regard to education, I would like to mention that the parents have no adequate funds to keep their children in school, because I have known parents from our reserve and they have to pay part of the cost of the education of their children. That is the biggest drawback in our children not getting higher education.

Senator HORNER: I should think that at Leduc, for instance, where they are receiving all their royalties now, there would be sufficient funds—in some areas in Alberta.

Mrs. GORMAN: It is only \$30 a month.

Chief SAMSON: But the government promised the Indian education, and I think the government should pay all the expense, regardless of what the Indian family is paying.

Senator HORNER: You asked for certain religious schools, I remember, on a former joint committee. The Indians appearing before that committee all recommended and thought they would have made more progress had they had a public school, and they could teach religion at night, on Saturdays and Sundays, and leave it entirely out of the day school; and where the government was concerned, when they furnished the money, let it be used on a public school. They believed they would have made greater progress.

Mr. SMALL: What has Mrs. Gorman to say about that?

Mrs. GORMAN: I think Johnnie is referring to where the child has to go on to higher education.

Senator HORNER: I realize that.

Mrs. GORMAN: Higher education is not available on the reserve, and he has to go into the city. It is quite true the government does put up board and tuition, but many Indian families—and although we are speaking of the Hobbema, we are dealing with all Indians in Alberta. Some get no payment at all, not even a dollar in the whole year from the band funds. All these different tribes want to send their children on to further training, and because of the clothing situation, glasses and the lack of transportation that must be considered if you send the child away—they cannot do this, and they would like aid in those fields.

Senator HORNER: Do they not come under the general provincial welfare?

Mrs. GORMAN: No, in that respect, as to education—

Senator HORNER: But so far as glasses are concerned?

Mrs. GORMAN: No.

Senator HORNER: They do not?

Mrs. GORMAN: No.

Senator HORNER: Not under provincial welfare?

Mrs. GORMAN: No, not glasses.

Mr. JONES: Certain provincial welfare laws apply on the reserve but there are no payments I am aware of.

Mrs. GORMAN: On glasses and clothes?

Mr. JONES: No.

Mr. SMALL: How many of the Indians qualify to go to high school, when they go to the primary schools? What would be the percentage? You say they want to go on to higher education. How many qualify and pass an examination?

Mrs. GORMAN: It is not only with regard to high school. I have not the figures, but it would not be the same percentage of white children who wanted to go on to high school, but a great many Indians would like training also.

Senator FERGUSON: You mean something like vocational training?

Mrs. GORMAN: Yes, apprenticeship in mechanics or carpentry.

Mr. SMALL: First, they have to qualify to go on to high school, or get to a point where they go to the technical school or higher school of education. They would have to be sorted out—as to whether they would go to high school or to trades schools?

Mrs. GORMAN: Yes. But the number is on the increase. In the early days, hardly anybody was prepared.

Mr. JONES: I am glad you asked that question, because I am afraid some of the remarks that have been made up to now might have been misinterpreted.

I am not aware of any Indian child in Alberta, or any other province, who has been denied higher education because of the lack of financial ability of his parents. We have hundreds of Indians going on to higher education, and the government of Canada makes money available to the Indian affairs branch for that purpose. We do ask, where possible, if the parents can make a contribution at all to the high school education, that they do so. But I am not aware of one Indian child in Canada that has been denied the opportunity of higher education, whether high school or vocational training, through lack of financial ability on the part of his parents to pay. I would be glad to know of any case.

Senator HORNER: Where would they apply—to the Department of Indian Affairs?

Mr. JONES: Yes, we have hundreds of Indian children now in high school, whereas only a few years ago there were only dozens. We have many in university, and I think if you check the records you will find that most of them have been helped or assisted, in whole or in part, by the department.

Mr. SMALL: I think you had a booklet which showed how many scholarships and so on there were. I have not it with me, but it showed how much money had been spent along that line?

Mr. JONES: Yes.

Mrs. GORMAN: Might I ask Colonel Jones a question?

The VICE-CHAIRMAN: Yes.

Mrs. GORMAN: I may be wrong on this, but it is my understanding that no grants are given by the department for living expenses or clothes. Is that correct?

Mr. JONES: No, it is not correct. We pay the whole thing—tuition, board and lodgings—if the parents are not able to pay anything. The department pays the whole thing.

Senator HORNER: When the child is capable and anxious to continue his education?

Mr. JONES: Yes.

Mrs. GORMAN: I was not asking about lodgings, but living expenses. I have met many Indians in Calgary, and they have not a penny in their pocket when they arrive, and have inadequate clothes. This is an impossible situation.

Shall we face facts? These people, their skin is a different colour. If they have inadequate clothes and have not even a penny to spend, like the other children, they are inclined to go home, if the child is willing and anxious he should be encouraged in every way. Money spent that way is cheap. That is what I am asking for.

We know you do actually pay the board, that you actually pay tuition; but because many Indians are very poor they cannot possibly put their children into competition, shall we say, with our children in the schools, unless there are some additional grants made as to living expenses—I mean, pocket money and help in buying clothes—help with their lunches in some cases, where they attend white high schools.

Mr. SMALL: That applies in a good many cases to whites, when they are going up to higher education and have to go to town to do it. Then they have to go and work and pick up their own extra money. When you get into that sort of thing and supply them with all the extra money, that would have to be done under a general principle.

Mrs. GORMAN: But to the white group we give a higher form of relief and many more welfare benefits than we do to the Indian.

The VICE-CHAIRMAN: That is just in some provinces?

Mrs. GORMAN: I am discussing my province.

The VICE-CHAIRMAN: I realize that.

Mrs. GORMAN: In my province that is the case: A family that is in relief on the reserve does not receive the same relief as a white family. I think this committee should accept that the standard of living of the Indian is much lower than that of whites. Fewer Indian children go on to these schools.

Therefore, is it not cheap to aid them in this matter? The cheapest thing we can do is educate the Indians.

Senator HORNER: I am sure the figures would be very large in the case of university students who borrow the money, and repay it after they receive their education. They repay it over many years. They can make these loans. In many cases, the provincial governments will advance them money, which they repay after securing their jobs. I am speaking of white schools. However, the vocational training would be very important. We have the examples of the Caughnawaga Indians. As high steel men, they are the champions of the world. I doubt if anyone else could have got up the towers out at Kitimat. They went from Montreal to British Columbia, and they were the main ones who worked on those high towers in the mountains. They are professionals in that line of work. Many of the Indians have a better skill in that line of work.

Mrs. GORMAN: Yes, and when they first go into those fields, they are going to need help.

Senator HORNER: They can secure help, as the colonel has said but, like other people, they have to show the individual willingness and initiative. That has to spring from the individual child. The parents have to be anxious to send that child to school, and the child has to show that he is anxious to receive the education. If that is the case, there would be no difficulty in securing assistance.

Mrs. GORMAN: What I am trying to point out is this. Because of the difference in the living level, there probably should be additional assistance to the Indian so he will be encouraged to go out.

Mr. SMALL: I agree in that, but I do not think we should go into the policy of what we are on now; that concerns the general policy of moving the Indian's standard of living up to that of the white, apart from the administration of that. That should be provincial.

Mrs. GORMAN: That is going to be a long term policy. However, at the present time, there are young people who should be trained, and if there could be special provision made—say, a small one—if the family did not have sufficient resources, there could be some provision to take care of these extra things. If such was the case, I think you would find a lot of poor young Indians progressing much more rapidly.

Mr. SMALL: If that system were inaugurated, you would have a lot of white people in the same position as Indians. They would want to get on the Indian reserve in order to get treated the same as them.

Mrs. GORMAN: I do not think so, as long as our relief for the white is much higher than on the reserve.

Mr. SMALL: It would be the same as that which you were talking about—the fellow marrying into the reserve, and taking advantage of the situation.

The VICE-CHAIRMAN: Gentlemen, I think we are far afield at this point. The discussion is getting very broad, and this may lessen the discussion further on.

I think we should stick to each resolution, and when the points have been discussed, I think we should proceed to the remainder of the resolutions.

Mr. GUNDLOCK: I have one question for Mrs. Gorman. I think this discussion has been very valuable.

As a summary, or just a final point, to sum up this argument, if you would not mind, I have the impression that it is simply a different attitude—if I may use that word—because of the fact that the Indians are considered, rather loosely, as wards of the dominion government, and they feel that the government has not given sufficient assistance.

Mrs. GORMAN: Well, under the treaties, you see, you did promise to educate them. Their education is behind that of the whites and, somehow, it must be solved.

Mr. GUNDLOCK: When you say "educate", how much? I think that is the point we want to get at. Completely? Semi-educated?

Mrs. GORMAN: Is it not the aim of the government, and is it not our real aim, to make the Indian self-supporting? That is your aim, and the Indian's aim. The only way is through education, and I feel that when you are dealing with Indians, you should carry your aid a little further.

Mr. GUNDLOCK: Would you clarify "self-supporting"?

Mrs. GORMAN: Where they can earn a living and support their families.

Mr. GUNDLOCK: In any way?

Mrs. GORMAN: Yes.

Mr. GUNDLOCK: On or off the reserve?

Mrs. GORMAN: When we get into the other figures on employment, you will discover how few are actually self-supporting at the moment.

The VICE-CHAIRMAN: Do not misunderstand me, I was not trying to curtail the discussion. I stated that the discussion had been broad at one point, and I hoped to average it out over all.

Mr. SMALL: After we have discussed this resolution, I think the remaining ones will fit into the pattern. I say this because they are trying to set out the conditions in which the Indians find themselves that they are not in a position to be self-supporting because they are not in the broad concept of the picture of Canada, where they can get out and get work. They are looking for additional help on that. However, that is the condition that the rest of the world is getting in. We are getting to the point of a welfare state, where everything has to be done for people. That is a trend, which is going on, and we have to try to stop it because everybody is going to the government for help, and asking for a handout for this and that. The Indians have not reached that stage as yet. The white man is trying to get into the position that the Indians are in, and the Indians are getting to get into the position in which the white man finds himself.

Mr. GUNDLOCK: I have one more question. Although I suppose you will think that I am rather dense, but in listening to one side of the picture I get the impression that the Indians, through the resolutions here, want to point out very emphatically that they want to be educated to integrate. I think I heard you make a statement, on their behalf, that they were very much opposed to enfranchisement. How can you completely integrate, without enfranchisement?

Mrs. GORMAN: Our policy on that was that we want the technical process of enfranchisement removed from the act. We are not opposed to the Indians going out and working in the world. That is a different thing, and is quite apart from the technical enfranchisement in the act.

Mr. GUNDLOCK: I realize that, but it seems ambiguous to one who is an outsider.

Mrs. GORMAN: The fact that the Indian keeps his reserve for all time does not mean he cannot mix with the rest of the population in Canada. We gave

him the reserve in payment for the country, and they hope they can keep that payment. I think it is the deep desire of the Indians to hold the reserves, but to mix with the rest of Canada at the same time.

Mr. GUNDLOCK: "Integration", to me, means simply, complete acceptance of the responsibility of citizenship. To me, "citizenship", means enfranchisement, or the right to vote. To me it is an integral part of citizenship.

Mrs. GORMAN: They are not necessarily opposed to the right to vote. The Alberta Indian says he wants section 112 taken out of the act, so he can vote—so he will be free to vote. They are not opposed to the vote.

Mr. GUNDLOCK: I thought that statement was made earlier.

The VICE-CHAIRMAN: Mr. Gundlock, that subject was dealt with pretty thoroughly yesterday.

Mr. GUNDLOCK: But I heard the statement made this morning.

The VICE-CHAIRMAN: I think we are wandering now from the educational part of it.

Mr. GUNDLOCK: I do not think so. We are being asked to educate them so they can integrate fully, if they wish; but if they are going to integrate completely, they must accept the responsibility of a citizen. That is my opinion.

The VICE-CHAIRMAN: That is true.

Mr. GUNDLOCK: I wanted to make that point.

Mrs. GORMAN: They wish to do that, but they realize at the present time they are not prepared—and, frankly, they are not. They have been on these reserves for years. They have not developed self-reliance, and their living standards are behind ours. They are asking you to raise their standard so that they can freely integrate into our country. That must be done first, because you cannot take a group that is very subservient, and integrate them.

Mr. GUNDLOCK: Have you any figures on that particular matter? Colonel Jones said a while ago that there are hundreds now, instead of thousands a few years ago—and we were speaking of illiteracy. What is the percentage of illiteracy, shall we say, on and off the reserves? What is the percentage of Indian children who cannot even write, as against the percentage of white people?

The VICE-CHAIRMAN: Colonel Jones can answer some of these questions for you.

Mr. GUNDLOCK: I would like to get the picture of that.

Mr. SMALL: You are asking for the percentage of illiteracy.

Mr. GUNDLOCK: Yes. Is it possible to get that?

Mr. JONES: I have it here, Mr. Chairman. It is headed "post elementary enrolment—1955-56 to 1959-60". It is by grades. The figures for 1959-60 are as follows: 2,281 Indian children in grade 9 to grade 13; 592 of those are in Indian schools, and 1,689 are in non-Indian schools. Five years ago that total was 1,665. So, there is over 600 of an increase across Canada of Indian children going on to higher education in five years.

We also have 41 attending university; 33 teacher-training; 25 nurses in training; 22 nurses aides; commercial, 90; trades, 189; and others, 75. These are in professional and vocational courses. So, with the total of 2,281 in secondary grades plus the professional-vocational of 475, there is a grand total of 2,756 Indian children attending post-elementary classes.

Senator BOUCHER: That is for the whole of Canada?

Mr. JONES: Yes, that is correct.

The VICE-CHAIRMAN: Have you any separate figures on Alberta?

Mr. JONES: No, but we could get them for you.

The VICE-CHAIRMAN: Would you like this tabled?

Agreed.

Mrs. GORMAN: Gentlemen, the Indians themselves decided they should try and gather together some figures for the government on things that concerned them.

At our opening meeting, when we decided to send out our resolutions to the reserves, we sent out a questionnaire to the chiefs and councillors, and asked them to fill it out. You must realize that these questionnaires—and they are included in your appendix, which is the long book—were filled out by the Indians. They may be very inaccurate but, at least, they show the Indian attitude, or what they think goes on in the reserves in various fields. There is one on education. This does not cover all the tribes of Alberta. Only a few tribes sent in their questionnaires on time for publication, because this has been before you for several months. It had to be printed quite a while ago and, unfortunately, the Indians did not get them in on time—in every case. However, if you will notice the one on education, in connection with grades 10 to 12, the word “none” occurs quite often. They have no children at all on that reserve who are even in grade 10. As I say, these figures are not necessarily accurate. They are composed by the Indians themselves and, in many cases in Alberta, we have Indian chiefs who can neither read nor write. It is difficult for them to compile these figures. However, this is their own attempt to try to convey to you statistics in regard to their problem in the field of education. They have tried to show you that they have no Indian teachers, and not too many qualified teachers, and not too many who are going on to higher grades.

Senator HORNER: In a majority of cases, I would think they are quite capable of voting. I just noticed recently that there was once a president of the United States, who had never attended school.

Mrs. GORMAN: That is right—and the people of Pakistan vote, when they are illiterate.

I think the only problem the Alberta Indians wish to present at this time, in regard to this, is that they wish section 112 removed. Of course, our minister gave us that assurance yesterday, that it would be removed.

The VICE-CHAIRMAN: Now, do you wish to proceed on to No. 25?

Mr. SMALL: Before you get off that, Mr. Chairman, I would like to say a word.

We discussed the same problem when the British Columbia delegation was here. It concerned education and those going into high schools. The matter of housing came up, and it was stated that some of the Indians went in and lived in a house with some of the white people. Some found they were very adaptable, and others could not be adapted to it. That came out in the discussion. I can remember very distinctly, figures showing that you did give them pocket money when going to school, as well as extra allowances. It was stated that was a general policy. Am I wrong in that?

Mr. JONES: No. It was correct. We are 100 per cent behind higher education for Indian children, and the government makes available money to foster that endeavour. If a child has not sufficient clothes, there is money to help that family buy clothes for that child as well as pocket money.

Mrs. GORMAN: That is not the understanding of the Indians in Alberta. They are under the impression they cannot receive it.

Mr. JONES: We will have some figures on higher education after lunch. These figures will pertain to Alberta.

Mrs. GORMAN: Could we have the figures on the pocket money and clothing allowances that have been supplied to them—or is that possible?

Mr. JONES: We will do our best.

Senator BOUCHER: In regard to the figures you gave on education a while ago, could we obtain those figures for each province?

Mr. JONES: Yes, we can. I will be glad to do that.

The VICE-CHAIRMAN: You are referring to the figures which Colonel Jones gave a few moments ago for the whole of Canada—and you want them broken down by provinces?

Senator BOUCHER: Yes.

Mr. GUNDLOCK: May I ask a question?

The VICE-CHAIRMAN: Proceed.

Mr. GUNDLOCK: Are you aware that this assistance, which Mr. Jones just mentioned, is available? Have you used it to any extent on your reservation?

Mr. BEEBE: To answer your question, Mr. Gundlock, I have heard on my reserve that there were no funds set aside for clothing children going off to high school, but from the band fund money.

Mr. GUNDLOCK: But aside from the band fund money you do not get any?

Mr. BEEBE: No. I have had two of my children—and they went to high school, and I never had any assistance in clothing for those two—except once they give a cheque to my first girl, when she was going to be graduated from grade 12. That was a present that came from the band. Otherwise, I have not seen that we have had federal assistance money for clothing and our children going on. The children at the residential school get clothing, but the ones who were going off, I have not seen them.

Mr. GUNDLOCK: I think that is something really worth knowing.

The VICE-CHAIRMAN: Resolution No. 26 is next.

Mr. GUNDLOCK: This speaks of an agreement between the provincial government and the dominion government being employed.

Might I ask Colonel Jones at what point is the cooperation, as mentioned, between the dominion government and the provincial government? In other words, does the federal government lay down certain educational lines, which have to be fitted into the provincial educational system, or is it completely handled by the provincial department of education?

Mr. JONES: Mr. Chairman, I think it might be useful if Mr. Davey, the chief of our education division, answered that question. I purposely brought him here this morning, as I thought he could deal much more intelligently with this matter than I.

Mr. GUNDLOCK: To put it roughly, where is the rub between the federal and provincial?

The VICE-CHAIRMAN: Mr. Davey, would you care to comment on this?

Mr. R. F. DAVEY (*Chief of the educational division, Indian Affairs branch*): There are several aspects of this cooperation between the federal government and the provincial government—first of all, in the matter of the admission of Indian children to provincial schools. Here, it was necessary for the province of Alberta to pass enabling legislation so that school boards could enter into agreement with the federal government for the admission of Indian children. This is one example of an area in which we cooperate.

In so far as the program of studies is concerned, the policy of the branch is to use the provincial program in Indian schools. We do make some minor adaptations to that program. We are not limited by the province in the application of their program of studies, or in modifying it for use in our

schools. However, if our Indian children are to proceed on into the provincial school system, it seems reasonable that we should follow the program fairly closely.

There are some of the areas in which there has been a very good cooperation between the province and the Indian affairs branch.

I am not sure whether I have clarified the point for you.

The VICE-CHAIRMAN: Ladies and gentlemen, are there any further questions on this?

Mr. SMALL: There is one statement here at page 27, which applies to that. It reads as follows:

We are happy to see that many of our children are now getting the education and the opportunities which were denied us.

Mrs. GORMAN: Many are still not.

Mr. SMALL: What do you mean by "which were denied us"? What is denied to them?

Mrs. GORMAN: I guess it means just what it says—that they were not able to get it.

Now, you will realize that I am speaking here on behalf of the Indian people, and their version of this—and their version is that the government is denying it to them. As to whether or not there is ground for this, I do not know. But, shall I put it this way; it should be conveyed to our Indian people that it is not being denied to them, if it is not.

Mr. SMALL: The reason I asked is this. This statement in the report is a positive one, and if there is something denied, the only way you can prescribe a cure is to find out what is denied—and then see if the improvements can be arranged.

Mrs. GORMAN: Over and over again the Indians speak how they feel—how education is denied to them.

The VICE-CHAIRMAN: In actual fact, I do not think it is being denied to them.

Mrs. GORMAN: Except that their standards are below those of the white.

The VICE-CHAIRMAN: Is there any district that you can name, where there is not a school for Indian children or, if there is, why they cannot get to that school?

Mrs. GORMAN: I did not prepare those figures for here, sir. We are not a gathering of statistics group at all. Our funds are extremely limited. We cannot go out and gather those statistics for you people. I can only convey to you what the Indians say to me. Time and again at their meetings they have said that they feel their children have been denied an education. Now, whether or not this is true—or whether it has been conveyed to them by a mistaken belief in their dealings with the department, that they could not obtain this, I do not know. But if that is so, the department is under a duty to publicize it to the Indian, and to encourage him to go on. I think the Indians are under that impression, and I would like my two Indian delegates to make a statement in that regard.

The VICE-CHAIRMAN: Have either one of you a comment on that?

Mrs. GORMAN: Do you think that the Indians feel that they are, to a degree, being denied equal education with the whites?

Chief SAMSON: Yes, I think they do, especially in the remote areas of northern Alberta, where their school is so far away. Some of them, I do not know. I think, usually, they used to take them out on the trap lines—and they are asking for residential schools for these people.

Senator HORNER: The same thing would apply to all people living in the northern areas. Unless they are taught at home, they have no school to attend. The vast majority of the people in the northwest territories, whether white or Indian, have no schools.

Mr. SMALL: We encountered that same problem in British Columbia. They would move from Canada to the United States, and they would carry their children down with them. There was no means of education, as they cannot carry the schools with them.

The VICE-CHAIRMAN: Yes, the nomadic people, who go out fishing and to their trapping lines and take their children with them?

Chief SAMSON: They used to, but I have not been any further than Driftpile. It is where these people are mostly on their trapping and hunting. I do not know how they are fixed for schools up there. I have never been up further than Driftpile.

Senator HORNER: If you decide to go back on your trapping lines, and take your children with you, it would hardly be fair to say that the government was denying your children an education.

Mrs. GORMAN: What they want there are residential schools, where they can leave their children. You mentioned that the white child could get an education at home, but you must realize that the parents of the Indian child in the north, in many cases cannot speak English, and they have no education. They cannot write their own language. These people in the north feel they want residential schools, when they go out on their trapping lines.

Mr. SMALL: I agree, but as I said, in connection with this British Columbia problem, they move, do not want to leave their children back at the residential schools, and take them with them. That was their difficulty. We cannot keep up a mobile educational system for them. We agreed that the facilities should be there, but the problem with the Indian is something similar to the German complex—they want to carry their children with them, wherever they go.

Mrs. GORMAN: I think this is still true of some individual Indians, but I think I can honestly say the majority of Indians in Alberta are seeking increased education. Their thinking has changed a great deal in this matter. I have met with them over the past ten years and I have seen the gradual increase in their interest for more education.

Mr. SMALL: They are entitled to it.

The VICE-CHAIRMAN: I think that probably some of these matters will be cleared up this afternoon, when Colonel Jones brings us the figures for the provinces. I think some of the answers to questions may be given at that time.

The VICE-CHAIRMAN: Next are numbers 27, 28, 29, and 30.

Mr. SMALL: In connection with the one where you urge upon the dominion government that they instruct the Indian affairs branch to survey the children in Indian schools, to find out those children, even at an early age, who show desire and ability to teach. Do you not keep a perpetual survey on that, Mr. Jones?

Mr. JONES: 116 of our teachers now are of Indian status, and we have 33 presently in training.

Mrs. GORMAN: Our thinking on this matter was—and we discussed it with the teachers—that they could often recognize when a child is young that he could go on into this field, and if the teachers would be instructed to, shall we say, make a report, that this child could go on, then the department of Indian affairs would take special care to see that their education was completed, so that they could go back and teach. This would help solve this problem, especially in remote areas.

The VICE-CHAIRMAN: I think Colonel Jones mentioned before that there are 35 scholarships available, of which there were only 17 taken up last year?

Mr. JONES: Yes.

Mrs. GORMAN: We feel it is the breakdown of training on the way that is of concern to us. If it could be detected at any early age, they could have special privileges given to them.

Mr. GUNDLOCK: Mr. Chairman, if I may comment on that. I think this probably is one of the most important points in this whole brief on education. I think it would be almost a complete answer, and would provide a wonderful opportunity. It would be a place for the government to encourage Indian education by making a very concerted effort to help the different bands which could produce the Indian teacher. I think the Indian teacher would be one of the best answers to the whole problem, and I would like to strongly urge this matter for the department's consideration.

Mr. SMALL: You are going to give those figures after dinner?

Mr. JONES: I just gave them. The number of Indian children teaching in our schools at the present time is 116.

Mr. GUNDLOCK: I have that information. I am just commenting to the effect that I think that is one item on which we could go all out, and even have a sales campaign.

Mr. JONES: We agree. Wherever we can facilitate Indian students going into the teaching profession, we do—and they have a job waiting.

Mr. SMALL: That is 116 out of a total number of what?

Mr. JONES: We have about 1,300 teachers.

Mr. SMALL: And you have 116?

The VICE-CHAIRMAN: That is around 10 per cent.

Mrs. GORMAN: The reason that scholarships are going wanting, in the case of the Indian, is because he is not sufficiently prepared to go on.

The VICE-CHAIRMAN: No. 30 is next.

Mr. SMALL: That concerns the boarding house accommodation?

Mrs. GORMAN: Yes.

Mr. SMALL: Mr. Jones, on page 33, it says:

An acute difficulty shows itself at present in the accommodation of Indian pupils in Calgary and in Edmonton.

Have you anything to say on that?

Mr. JONES: The present policy is not to build hostels all over the country. As Mrs. Gorman says, we prefer to have Indian children boarded in good non-Indian homes. Our feeling, whether we are right or wrong, has been that widespread building of hostels from Halifax to Vancouver would continue segregation. To be perfectly frank, we have not been encouraging the building of many hostels. We prefer the Indian children to be boarded in a good home.

Mr. HENDERSON: Mr. Chairman, I can speak on this. Colonel Jones is absolutely right.

A priest came from Prince George last year, and he wanted to build hostels. The government said that they would assist in building schools, but he wanted to build hostels. I think hostels are absolutely wrong. It just encourages segregation—and I know what I am talking about, because I was raised in the north, and I have lived all my life amongst the Indians. I think integration is the best. The leading pupil, who attained the highest marks last year at Prince George, was an Indian, but he had lived with a white man—and I think that offers the answer to our question, which is integration.

The JOINT CHAIRMAN (*Senator Gladstone*): If I may make a comment, Mr. Chairman—

The VICE-CHAIRMAN: Please do.

The JOINT CHAIRMAN (*Senator Gladstone*): My girls went to Saskatoon. The first one went to the Bedford hostel. She was not there any more than six months when she was given an offer to go and live in a private home. There were eight girls involved, and they all did much better when they went to private homes. They were treated as one of the family, and it made life that much more enjoyable for them.

Mrs. GORMAN: I could not agree with you two gentlemen more—for an outstanding Indian, and these two are outstanding Indians—the chap mentioned, and we know of the wonderful record the senator's children have. Integration was no problem there, but for the vast majority, it is a very serious problem. For instance, two girls came in to Calgary to school last year. They boarded in white homes. However, they gave up and went home out of sheer loneliness. They experienced the difficulty of moving from an Indian home into an all-white home, and were surrounded by people they did not know. They had to walk alone down the street to a school, which was all-white, and it was too much for them. They practically had a nervous breakdown. They both returned.

For the superior student, it is ideal if he can board in a private home; but in the vast majority—and it is this vast majority with which we are concerned—it is a very difficult problem. They are going to need gradual integration.

Mr. SMALL: Even white people get homesick.

Mrs. GORMAN: Yes, but it is less severe.

Senator HORNER: I would think you are wrong when you say that the majority cannot get along. I would think it would be a minority who would find themselves in the fix in which these two girls found themselves, in a city like Calgary.

Mrs. GORMAN: I will put it this way: the majority of Indians in Alberta feel this way. This is what the majority of Indians in our province requested, and feel they want.

Mr. BEEBE: Another thing is this—if Colonel Jones would guarantee they would find accommodation for these children, if we do not have hostels or residential schools, or high schools if they will guarantee to find places to put our children, when they have to go out from our reserves into the cities to be educated.

Mrs. GORMAN: It is not always so.

Senator HORNER: Do they not make an effort to find homes for them?

Mr. BEEBE: Yes, but it is not easy to find them.

Senator HORNER: I can understand that.

Mrs. GORMAN: Often they are unsuitable. Some only agree to take them in for the purpose of making money, rather than welcoming them to their homes—and this creates difficulty. If we could be certain that they would go into fine homes, there would not be a better form of integrating, but it is difficult to find sufficient good homes to accommodate more and more Indians, who want an education in our cities. We would not use the hostels either, simply for high schools; there are many fields of training for which they have to go to Calgary—such as serving an apprenticeship, and getting their journeyman papers. We would want those people to be allowed to board there. This would not cost the government a great deal more, because they are presently paying the board, but it would guarantee them a place to live.

Senator HORNER: I would think the condition of which you speak is something relatively new, and that as the years go by it will work out much better. I am referring to being accepted into homes.

Mrs. GORMAN: That is correct. There is a period of adjustment.

Senator HORNER: It is just a period.

Mrs. GORMAN: Yes.

Senator HORNER: I think if you started building hostels you would immediately slow down the number of those entering into homes. You would put a stop to that. I think, as time goes on, it will improve.

Mrs. GORMAN: I do not think so. As Senator Gladstone said, after the efficient student has spent a while in a small hostel, he should pass on to a private home. Yet, the hostel will be there to look after the student who has more difficulty. It would not have to be a large hostel, and I do not think it would cost any more in the long run. They would be glorified boarding houses. I think that would be more beneficial for the vast majority of the Indians.

Senator HORNER: I think it would delay the process of integration.

Mrs. GORMAN: It did not in the case of Senator Gladstone's children. They moved to the hostel, and then moved on, which is what the higher student would do.

The JOINT CHAIRMAN (*Senator Gladstone*): I would like to comment on the question of loneliness. Six of them were in the hostel. They were all from different provinces, and not just from Alberta. My girl was the only one from Alberta. When they had the opportunity to move into private homes, they were not lonely. They were accepted into these families and stayed until they graduated.

Mr. SMALL: Did she go by herself to this home, or did another girl go with her?

The JOINT CHAIRMAN (*Senator Gladstone*): She went from home to Saskatoon.

Mr. SMALL: But when she went from the hostel to a private home, did your girl go with another Indian girl, or by herself?

The JOINT CHAIRMAN (*Senator Gladstone*): By herself. The six went to different homes.

Mr. SMALL: But they had the ice broken for them, by going to the hostel first.

The JOINT CHAIRMAN (*Senator Gladstone*): Yes.

The VICE-CHAIRMAN: No. 31 is next. Are there any questions on this one? Does that complete these?

Mr. SMALL: I have just one thing to say, before closing this out. They say—we do not want education that will turn us into second class white people; rather, we want to become first class Indians. I think what they are trying to imply there is that they want their Indian culture preserved, as they are going through this system. They do not want to loose track of that. That is the whole thing in a nutshell.

Mrs. GORMAN: Yes.

The VICE-CHAIRMAN: The resolutions on health are next.

Mrs. GORMAN: Once more, on behalf of the Indians, honourable chairmen and members of the committee, I would like to remind you that treaty 6 promised the Indians a medicine chest. In those days a medicine chest was the only known health service provided to any community in the western provinces. Sa, it is clear that it was the intention of the government to provide

equivalent services to the Indians in matters of health with those received by the surrounding non-Indians.

Our first resolution is:

Be it resolved that the government consider every means of supplying additional health services to Indians and that proper health services should not be denied the Indian individual because he has inadequate funds to pay for the high cost of medical care.

Now, at present, if a tribe has money—that is, if, jointly, they have a fund, a fund which came from selling their treaty land, they are asked to supply those services. In our own situation, the individual who is hard up, is able to obtain aid. We do not say: because the city in which you live is wealthy, you will not get any aid; after all, if your neighbour is wealthy, he should contribute, and so on—that is not our attitude. The tribal funds were not created to supply health services; they were created by selling parts of their reserves and, therefore, the Indians' thinking is that if an individual needs health services, the government should provide it and not rely on band funds for it.

Resolution No. 33:

Be it resolved that all former medical and hospital services to treaty Indians be restored and continued to treaty Indians who are working outside their reserves, regardless of the time they have been away.

Of course, it is the Indians' wish that eventually they will be completely self-supporting, but they feel it is a poor time at present, when Indians are, shall we say, almost venturing toward being self-supporting, to deny them health services. It is almost a hold-back from their leaving the reserve and taking a job off the reserve. They say, if you do leave, you may not get any help, when you get sick.

Resolution No. 34:

Be it resolved that all dispensary services, such as prescriptions and drugs, be continued to treaty Indians.

This is based on the grounds that we were promised a medicine chest.

Resolution No. 35.

Be it resolved that the proper authorities be asked to have the travelling nurses visit the homes at more frequent intervals and, if necessary, to increase the staff so that this may be done.

Again, in our tables that we sent to the Indians, we asked them concerning their health services. As I pointed out to you originally, they were not necessarily accurate, but it certainly contains the thinking of the councillors of the tribes concerned. You can see by glancing over them what their feeling is. They do not have nursing stations, and they do not receive enough personal attention from the nursing staff.

Resolution No. 36:

Be it resolved that nursing stations with adequate accommodation and staff be established at all remote reserves.

We have a reserve in the north, called Paul's band, which feel this very strongly. They have no nursing station. I visited the nursing station at Drift Pile, which is on Lesser Slave lake, and I could see the staff there were heavily overworked. There is a great need for more nursing stations in the north.

The whites are using the nursing station at Drift Pile, as it is the only one available in that area. There is a great need for nursing stations in the north.

Resolution No. 37:

Be it resolved that Indian health services be asked to enlarge the present Morley hospital at government expense to meet the needs of the present population.

The Morley hospital is the only Indian hospital near Calgary. The Sarcees do not have a hospital, and they feel it is overcrowded.

Resolution No. 38:

Be it resolved that the medical authorities be asked to admit sick treaty Indians to hospitals at any time of the day or night, when the sick are brought in.

I found this highly amusing. At some places, they cannot take the sick in on a certain day, and they cannot take them in at certain times. As the Indians say: It is very difficult to get sick on Monday, Wednesday and Friday, and omit Tuesday and Thursday. Of course, they are quite right.

We were advised on these health resolutions by members of the medical association in Calgary, and they agreed the hospitals should be open at all times. I believe the hospitals close at night on chief Samson's reserve. Is that correct?

Chief SAMSON: Yes.

Mrs. GORMAN: This makes it especially difficult in cases of birth, because you cannot arrange it.

Resolution No. 39:

Be it resolved that welfare services assist in taking care of persons who have undergone operations for chest T.B. until they are able to assume normal physical activities.

The government should be very proud of the fine job they have done in Alberta, in the treatment of Indians with T.B. at the Camsell hospital. However, they are released back to their reserves, and are unable to work because of their illness. We would like the government to provide some sort of subsistence allowance, until they are able to work.

Resolution No. 40:

Be it resolved that the Indian health services employ a sufficient number of qualified dental teams, consisting of a dental nurse, dental technician and dentist, to provide adequate services to adults and children in all Indian communities, and

Furthermore that an extensive program of dental health education be introduced to teach the prevention of tooth decay to the Indian people.

For many years the Indian people had no dental service. In fact, I think the mounties used to pull out their teeth and, as they say, they are crippled from the results of lack of care for their teeth.

At present, there are travelling dentists, but a team would be more advisable. That is, if those dentists could have a nurse, they could much better handle the vast quantity of patients they have to handle. There is a terrific backlog. They visit a reserve, and they have to leave many, many cases uncared for. We are asking that teams be created. We are also asking that a program of education be undertaken to teach the Indians to care for their teeth.

Resolution No. 41:

Be it resolved that bands do not want their family allowances stopped when children are in hospital, particularly for a short period of time.

The reason for this is the terrific delay it takes in re-establishing, because red tape takes a long time in the re-establishment of the payments of allowances to the family. This usually takes place at a period when the child's parents have to spend extra money in taking care of the convalescing child. It makes the parents reluctant to place their children in the hospital, which is a bad thing.

At this time, we would like to say that we have noticed an increased effort on the part of the department in the field of health, but as long as the insurance companies of Canada—from their tables—recognize that they will have to charge Indians increased rates for insurance, because of their health, it must be apparent that the health services are still inadequate.

The VICE CHAIRMAN: Are you ready now for questions in regard to these health resolutions?

Mr. SMALL: On resolution 33, it states:

Be it resolved that all former medical and hospital services to treaty Indians be restored and continued to treaty Indians who are working outside their reserves.

Does that mean that they are living on the reserve but working outside of the reserve?

Mrs. GORMAN: Yes.

Mr. SMALL: But they are living on the reserve?

Mrs. GORMAN: Yes. They are then cut off medical services. This discourages them from going out to work. It is a frightening process for them. I do not know what the situation is down east, but in Calgary it is difficult to get medical assistance, if you are white. It is difficult for an Indian, in a strange city, to get them. If they are going to be cut off, because they are working beyond the reserve, it discourages them from going off to work.

The VICE CHAIRMAN: Dr. Moore, of the Indian and Northern Health Services branch is here, and I think he could clear up a lot of these things. He could give us a short resume of what takes place, and in this way would eliminate a lot of questions which have been bothering us.

Dr. P. E. MOORE (*Director, Indian and Northern Health Services directorate*): Mr. Chairman, honourable senators, Indian delegates, and members of the committee. It is a real privilege to appear before your committee. It is the first time I have had the opportunity of appearing before this committee. As the chairman said, I think I may be able to clear up some points, which are raised in this brief.

First, I would like to congratulate the Indian Association of Alberta for its excellent brief. I have studied it, with great interest, and read the resolutions. In general, they are not too far away from the aims of my service.

In reading through the brief, I noticed that one of the things stressed was health education. I think it is a clear indication that we have been doing some health education, when the things for which they are asking, such as better water supplies, better educational facilities, nutrition, and so on, have been impressed on the Indian to the point where they are asking now for it themselves. I think, if we have a cardinal principle in my service, it is to teach the Indians self-help. Health is a personal matter. There is no one can do for a person about his own health more than what that person can do for himself. Too often, the doctor is called in, like the garage mechanic,

when the motor breaks down and there is not enough care taken of the motor before it gets in trouble. Our prime efforts are devoted to this. Of course—and I have told my staff so often—the care of the sick must come first. However, our efforts must be directed toward trying to keep that person from getting sick in the first place.

I have a few figures for the committee. They are probably aware of these figures, but I thought you might like them brought to your attention. The Indian population in Alberta, in 1934, was 10,900; in 1944, it was 12,441; in 1954, it was 15,715; in 1960, it was 18,525. I think anyone would have to admit that is a very healthy increase.

I am very happy to report that last year there was only one death from tuberculosis amongst the Indians of Alberta, and that death was a woman, who had been very recalcitrant about treatment. We had trouble getting her into the sanatorium, when she needed care. If she had followed a proper regime, she would be alive today.

To go back to some of the specific questions asked, under resolution No. 32, we are studying in every way, shape and form how we can improve health services to Indians. That is our whole objective. In recent years we have not been hampered by a lack of funds but a lack of finding adequately trained personnel. As everyone knows, there is a shortage of doctors and nurses in Canada. There is also an equal shortage of all the ancillary services that go along with it. In the last year we have been successful in recruiting two experts in the field, one in health education and the other in nutrition. Miss Lang is here with us today. She is heading our drive for better nutrition, which is mentioned throughout the brief. We believe that one of the key ways to improve health is to improve nutrition. We are working in the most close cooperation with the Indian affairs branch and Colonel Jones' staff, to make more food sources available. We are also putting in a program to try to train people how to get the most out of their food dollar—to eat proper foods, and buy proper foods and to instruct them in the big change from native life and, in the vernacular of the country, from eating country food, to eating store food. It is a long bridge, and anyone that goes over it generally makes mistakes at the other end. We are interested in the Eskimo as well as the Indian, because the Eskimo are changing over to a wage earning economy, and we want them to purchase something that produces a balanced diet. One of our efforts is toward training in that regard.

We have stated time and again that no Indian would be denied medical services because of inadequate funds. We do believe in self-help. We believe Indians should be encouraged to meet some of their obligations when they become financially able to do so, whether as a band or as an individual. My staff are fully instructed to never let a dollar stand between an Indian and anything he needs to preserve health. For instance, in the supply of glasses, we have trained ophthalmologists. We have not enough, because they are in short supply, and will not work for the salaries we offer. However, we have a staff of very good people, and we are trying, particularly in the schools, to see that the eyesight of the school children is adequate. Now, we do know, and I think it is human nature, that anything is worth what you pay for it. If you get something for nothing, that is what you value it at. We try to make the Indian contribute toward glasses and dentures. If they are financially unable to do so, we do not deny them. However, we try to get them to make a contribution toward it—and the contribution does not even meet the cost of the department. We obtain these things, through various channels, for about half of what any of the rest of us would have to pay. We do not ask the Indian to meet the full cost. If he is able to contribute \$1, he will value the item more than if he got it for free.

Let me announce our policy again—and this is the policy that has been announced. The policy, as laid down by the government, is that the Indian should be encouraged toward self-help. One of the things that we have been trying to do is to get the Indians to establish health committees on their own reserves. It is a two-way program. We have to educate our people to work with the Indian committees for the better health of the people.

At some place in the brief mention was made of inadequate water supplies. The expenditure for this is, primarily, a charge on another branch—on the administration branch, if it comes to the point that the Indian needs financial assistance. We have prepared a good film strip on safe water. We have circulated pamphlets. At the present time we are recruiting a staff of sanitarians. They are people who are trained in sanitary procedures, which means safe water supply, better disposal of garbage and sewage, screening of windows, protection of foods, and so on. This is a fairly new endeavour, and is one the United States Indian bureau is pressing strongly—and, with good results.

Recently we had what we call a workshop on the Six Nations reserve, where Indians were brought from probably 20 reserves. They spent a couple of weeks there being trained so that they could go back to their own reserve as sanitarians, to promote this idea of better sanitary facilities on a reserve. Eventually, we hope to have some of these people well enough trained that we could give them a subsidy in order that they may train other Indians on their reserve. We would give him something to go out and preach the gospel in regard to water supply. He will know how to advise on the protection of wells, and be able to take samples of drinking water, and send them to provincial or federal laboratories for analysis, to see if it is safe. He will encourage people to build and use proper privies, to get screenings in the windows, and all these things which too many of us take for granted. In the old Indian way of life, when a camp became dirty, they moved; but when the people moved into permanent residences they had not the training to know how to keep these things in proper condition. This is a very new field of endeavour.

When we first began to get funds to do anything for Indian health, we had one huge problem—and that was the control of T.B. Most of our finances and efforts were directed toward that source and, I think, with satisfying results. The death rate from T.B. has come down tremendously. In Alberta, a few years ago, I think it was up as high as 1,400 per 100,000, whereas the eastern reserves had a lower rate—and it was about 600 per 100,000. In about 12 years that rate has been lowered to lower than what the white rate was at the close of World War II—and that is about 34 per 100,000. T.B. has moved down from being the second leading cause of death amongst the Indians in 1945, to now, where it is the eighth cause of death.

Mr. GUNLOCK: What is No. 1?

Dr. MOORE: Respiratory diseases—pneumonia, and things of that type. The huge death toll in this is usually amongst infants in their first year of life. Two or three factors enter into that, and they all have to do with housing, improper nutrition—and although I do not like to use the word; I only use it in the way of raising children under modern conditions—ignorance. Wherever possible we teach the mothers through well-baby clinics, which we promote. That is the answer to a lot of that. An Eskimo or Indian child, who is living in a shack under improper conditions, and catches a bad cold, gets pneumonia—and this immediately becomes a medical emergency. Our death rate amongst children is bad. Too many of them die.

The VICE-CHAIRMAN: Dr. Moore, we are past our adjournment time. If you have much more to say, perhaps we had better hold it over until this afternoon. If you can finish rather quickly, we might continue.

Dr. MOORE: It is just whatever the committee would like.

Mr. SMALL: I think you should go on and finish it. I do not think we should interrupt you.

The VICE-CHAIRMAN: Well, if it is the wish of the committee, you may do so.

Mr. GUNDLOCK: I do not think we should hurry this sort of a report, Mr. Chairman. I am quite willing to stay, or to come back later.

The VICE-CHAIRMAN: There is the difficulty of the staff. I must point that out. As the reporters have so many committee meetings to attend, we have been asked not to carry these meetings any longer than necessary.

Mr. GUNDLOCK: I suggest we continue after lunch.

The VICE-CHAIRMAN: That is our difficulty. The reporters experience difficulty, and then the printing and the checking up has to be taken care of.

Do you want to carry on for a few more minutes, or do you want to adjourn now, and come back at 3.30?

Some Hon. MEMBERS: 3.30.

AFTERNOON SESSION

Thursday, May 12, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, if you will come to order, please. I think the first thing probably, if we had Colonel Jones give the answers to the questions we asked him this morning and on which he said he would get the figures relating to education.

Mr. JONES: Mr. Chairman, students attending non-Indian schools in Alberta, post-elementary courses, 1959-60:

Grade 9, 72 students; Grade 10, 35 students; Grade 11, 30 students; Grade 12, 19 students; University first year, 1 student; University fourth year, 1 student; Nurses in training, 1 student; Commercial training, 8 students; Trades training, 3 students; Nurses' aide training, 5 students. A total of 175.

Then, the students attending Indian schools in Alberta, post-elementary courses:

Grade 9, 78 students; Grade 10, 39 students; Grade 11, 44 students; Grade 12, 7 students. Subtotal 168, and a grand total of 343.

The amount of educational assistance authorized, \$74,659.50.

Amount of personal allowances authorized, \$5,190.

Number of students for whom personal allowances authorized, 49.

Amount authorized for clothing, \$4,343.80.

Number of students for whom clothing allowance authorized, 51.

The CHAIRMAN: Now, is Dr. Moore ready to to continue his talk of this morning?

Dr. MOORE: Mr. Chairman and members of the committee, I probably generalized enough this morning and I will attempt to answer the questions or speak to these resolutions. But I would just like to make one comment supplementary to what I gave on population figures this morning.

I gave the figures from 1934 to 1960. We did arithmetical projections in the office just before I came over and we see that in ten years the Indian population of Alberta will increase to 25,000, and our prediction is that in twenty years it will be approximately 40,000. If you apply those figures to the rest of the Indian population of Canada, I think the Alberta population is about 10 per cent, you can see in twenty years there is every probability of the Indian population in Canada being approximately 400,000. These figures I think may be of interest to the committee.

Mr. Chairman, with your permission I would like to just speak very briefly also on a proposal that was made yesterday in one of the resolutions, and since it directly affects my service I think it would be appropriate if I made a remark or two regarding it, and that is the request for a separate Department of Indian Affairs.

I have worked under three systems. I worked in the department when it was a separate department, I worked in the medical service when we were a division of the branch under the Department of Mines and Resources, and then I have been director under the Department of Health and Welfare. So I think I can speak with some authority as to what I think is the best for the Indians. I feel so strongly on the subject that if my services were to be taken out of the Department of National Health and Welfare I would resign, I would not attempt to go back and run a medical service under the circumstances that existed when we were a non-medical department.

I have many reasons for saying this, but the chief of them are that in the Department of Health and Welfare I have the whole resources of that department willing and able to assist—such divisions as the public health division, the division of Nutrition, the Epidemiological division, and many others. It is a department that is geared for medical services and also, under my directorate I have Eskimos in the Yukon operating under a still different department, and for the Northwest Territories. There is no better way of dealing with these, than at present and I think Colonel Jones will vouch that we have the closest liaison. In fact, the cooperation we have now is better than any we had as one division. We were in the same department. The cooperation we receive and the way we work together is infinitely better now than any we had from the other department when we were just a division of the branch. I will not stress that any more, but I can speak from experience because I have worked under all three systems.

On the resolutions on health I think I dealt with No. 32. No. 33, Indians working outside the reservation. The present policy of the department is this, for an Indian family away from his reserve—to start with, all the Indians in Alberta are under hospital insurance for which this department pays the Alberta government the equivalent of the land tax that the ordinary resident is assessed under the co-insurance basis which we pay. I think the Sarcee band, for example, are paying their own from their band funds. They have paid a share from their band fund and there have been some indications that they would pay for a share of joining M.S.I., which would give them their full and free choice of doctor if they did that. We have been working out that arrangement and discussing it with the band. I might say this scheme is in effect with several bands in the east, particularly Sarnia and the Walpole Island bands and the Indians would not revert to the other system. They are quite pleased with it. That is the information that has been given me.

When an Indian is away from his reserve for more than a year and lives on land assessed for taxes we do not consider him a responsibility of this service after that date, the reason being that if he is unable to meet his medical costs he has the same privilege then as any other resident of a province. He is paying taxes to that municipality, and the municipality by and large accepts him. If we find cases of hardship or neglect or ignorance among the Indians, we direct our efforts toward trying to direct them to the proper sources to correct it, and as a last resort we would not turn them down. We are trying to get the Indian to assume his own responsibility within his capabilities. I think that is essential and more essential in health than in anything else.

Dispensary service, such as prescriptions and drugs: this is a rather controversial point. If we just allow free prescriptions from a drug store to an Indian, we have done this and we have found that the cost is more than our

medical and hospital costs combined, This was explained in the committee on estimates this morning in the other room. We have a system of buying drugs from Central Medical Stores of the Department of Veterans Affairs, and we buy by the generic name in very large quantities. We buy first class drugs in this policy, the same as the Department of National Defence and the Department of Veterans Affairs and we put these in dispensaries across the country with an adequate explanation. Those drugs are free to the Indians. They are not charged for and we try to get doctors to either stock and dispense these drugs—and we have some difficulty in that—or else direct the Indian either to the nurse or to our dispensary. If they go to a drug store in some instances, and if they are able to, they are required to pay for their own prescription. They are required if they cannot pay for it all, to pay something towards it. Then, we have a system where an Indian is asked to pay \$1.00 for the prescription, regardless of the cost of the drug. We like the clinic or doctor to give to the drug store an extra \$600.00 a year in lieu of paying for prescriptions. They are supposed to collect this \$1.00 and if it runs over that, we have to meet the cost.

Resolution No. 35:

Be it resolved that proper authorities be asked to have the travelling nurses visit the homes at more frequent intervals.

We have in the province of Alberta 17 public health nurses. Now, this is a ratio of almost one per thousand persons. The recommended ratio in public health service, that the nurse can look after in the ordinary population when she is not doing much nursing care, but considered to be enough, is one for 5,000. If there is much nursing care to be done, it is one for 2,500. These are the recommended figures. Our figures are about one per 1,000.

There are bands on reserves that are isolated, small reserves where it is utterly impossible to give a door to door service frequently. There are one or two stated in this addendum, where probably the only organized meeting is held at treaty time, when X-ray surveys are carried out and the toxoid and other preventive measures are given. It might be of interest to the committee to know that in 1959, 4,362 doses of diphtheria pertussis and tetanus inoculations were given, 912 vaccinations against smallpox, 3,971 were given Salk vaccine against polio and 1,206 were given B.C.G. for the prevention of tuberculosis. There were 289 babies born that had professional care, either born in hospital or where there was a doctor or nurse in attendance; and, according to our records there were only 36 babies born in 1959 without professional attendance,—that is, cared for by the midwives in some of the more remote areas.

Some of the reasons for nursing stations, for instance the St. Paul band—I do not think I could recommend that in certain circumstances. They are 40 miles from Camsell hospital on a paved road. They are 40 miles from the out-patient department of the Charles Camsell hospital and I do not think I could recommend it when I think of Indians and Eskimos in remote areas. Where we are satisfied to do so and go in and build, it costs around \$60,000 or \$70,000 to put in a nursing station today. It costs \$20,000 to maintain it and I think on our present budget, which I think is generous in comparison with what is being spent on the health services in any other part of the world, we are the highest per capita; because we are spending all the health budget for the Canadian native.

We are going to put in a nursing station at Hay Bay, on the upper Hay lakes, to replace their old building this year; and that, possibly with a start on the replacement of the Camsell hospital, with a modern hospital for Indians in Alberta, is almost the limit of our planning in this area. In these remote areas as communications are put in, we are going to try to bring more facilities too.

On the question of the Morley hospital, that again is a hospital which is only 40 miles from Calgary. We regard it as a nursing station. I would not recommend enlarging it for the same reason I gave for St. Paul's. We keep two nurses there, but a hospital case is much better treated at Calgary General Hospital with all its facilities for surgery and medical care. The Morley people have not made as adequate use of the hospital as they could, and I think they are beginning now to have a little demand up around there, to just go into the hospital.

I do not think we would consider enlarging it. I do not think it would be sound medical judgment to say that I would.

This question of the sick Indians brought to the hospital at any time, day or night,—if a sick person is ever refused at one of our hospitals I would like to hear about it, and I will take strong action. Our policy is to admit the sick. I think there may be some confusion here with clinic hours. I think a doctor has to maintain certain clinic hours if he is going to do the rest of his work. I know if one of us who wants to see his doctor and makes an appointment, he may wait one, two or three weeks until he sees him, unless it is an urgent case. But there may be a mistake here between clinic hours, when the doctor can just see the people who come to see him and deal with admission of the sick. But if there has been refusal of admission of the sick I want to hear about it.

We try to operate hospitals on as high a standard as any hospital in Canada, and many have been rated as grade A by the hospital council.

Chief SAMSON: We had an instance in our reservation where a sick baby was brought into the hospital by a young couple. They knew the baby was sick, and the nurse—it was during the night, off clinic hours, of course,—but the nurse said the baby was not sick enough to be admitted to the hospital and that same night the baby died.

Dr. MOORE: We regret an incident like that and it was certainly poor judgment on the nurse's part. Was there a doctor in residence at the time? We try to keep a doctor at Hobbema, but they come and go. Was there a doctor in residence at the time?

Chief SAMSON: The doctor has a residence near the hospital. I do not know whether the doctor was notified. I could not say, I did not ask this couple.

Dr. MOORE: We regret those incidents very much. I certainly will censure the people responsible, because absolutely it was contrary to any of our policies. In the province of Alberta we have quite a large field staff, and I think the majority of them are devoted people, but there may be people who make errors in judgment; that is human.

Chief SAMSON: This is not the only case that happened. We have several cases like that where babies have been turned down, when asked to be admitted to the hospital.

Dr. MOORE: I promise you we will take note of it and write very definite instructions along this line, because we do not wish that to happen.

Chief SAMSON: We have been having this trouble for several years now. Then older people have been turned down during the night when they were brought to the hospital.

Dr. MOORE: We will get that corrected for you at once. I will promise you that.

Chief SAMSON: Thank you.

Dr. MOORE: We have a total of 580 employed, working in the health field in the province of Alberta. Of these I think some 140 are nurses, that is, hospital nurses, and about another 17 field nurses.

On the welfare services, I think the Department of Indian Affairs branch could better answer this, but it is my understanding that rations are provided automatically for six months for anyone who leaves a sanatorium, and rations large enough not only for the individual but also for his family.

We also recommend rations to a family if they need it. Of course, people who are not in need and can supply their own should not ask for it. But if it is needed for the family they get it for six months after the patient leaves, if he is the breadwinner; and then the family are on rations if the breadwinner is out of that family. I should not be speaking of this; this is welfare. But very often there is such a thin line between medical and welfare problems. It would also be of interest to the committee to know that Colonel Jones and I have an inter-departmental committee and meet very frequently and discuss problems where there is a mutual interest.

MR. BEEBE: Dr. Moore, on that specific problem of the ex-patients from the Charles Camsell hospital—you say that you fellows pay, or give relief to these patients.

DR. MOORE: The welfare.

MR. BEEBE: The welfare?

DR. MOORE: The Indian Affairs Branch, not the Indian Health Services.

MR. BEEBE: On my reserve I think that is financed by the band funds.

DR. MOORE: I would not know.

THE VICE CHAIRMAN: This matter comes under the jurisdiction of Colonel Jones, and he will answer that. I think we had better go on with Dr. Moore and finish his brief, before we start on the other. You will be able to clear that up in the questioning.

DR. MOORE: On dental services, it is only of recent years that we have been able to employ dentists. We know we have not enough dentists, and this resolution is an excellent one, for a qualified dental team.

I know at least 15 dentists in Ottawa who are trying to employ dental technicians and dental nurses, because they say that with that set-up one dentist can accomplish as much as three dentists can who are working alone. But there are not the trained personnel.

We would be very happy to employ them, because our dentists could do so much more. We know that we have nowhere near the number of dentists that we need. We are trying to specialize in preventive dentistry; that is, to look after school children, to start them off in life with healthy teeth, and in that way they will have far less dental decay in later years. What services we have are focused on giving dental services to schools, and trying to let the other people find their own dental care. If there is a dentist in practice, and a person is not in a position to pay, we will pay a portion for either dentures or other corrective treatment.

SENATOR BOUCHER: What do you mean when you say there is a shortage of dentists? Is that in Alberta, or the whole of the dominion of Canada?

DR. MOORE: The whole of the Dominion of Canada. Try and get a dental appointment today, and you will wait about a month in the city of Ottawa before you get an appointment, in almost any dental office. And that shortage exists almost all over the world. The same problem came up in the World Health Organization, from many countries. They are advocating policies to train many more of these types of dental workers. Dental health education is certainly part of our program. We believe in it thoroughly and we hope to augment what we are doing at present.

The question of family allowance should, I think, be dealt with by Colonel Jones. I think there is a quick answer to that. If there are any questions from any member, I will try to answer them.

Mr. BEEBE: I have a question back here on transportation. It is 40 miles between St. Paul's band and Edmonton, to your hospital there. The big difference is that transportation—you could be in Edmonton in four or five hours by plane. With an Indian, it might take him all day to travel 40 miles, and especially in the cold weather, when he has to travel in an open vehicle or a vehicle that cannot stand up to that 40 miles, especially in winter.

These people at the St. Paul's band should be recognized, and so should the people at Morley, for that purpose.

The Indian has not the transportation that your people have, so therefore I think there should be a vehicle put in for that service by the department, if you cannot put a nursing station there.

Dr. MOORE: Is there not a bus service daily through there?

Mr. BEEBE: What if he has not got any money? We Indians do not have money all the time.

Dr. MOORE: You can always get to a ball game or stampede.

Mr. BEEBE: What?

Dr. MOORE: You can nearly always get to a ball game or stampede.

Mr. BEEBE: That only comes once a year, and you cannot bar a person from enjoying himself once a year.

Dr. MOORE: I do not object to that at all.

Mr. GUNDLOCK: Supplementary to that question, Mr. Chairman: Aside from everything else, what about the Calgary Hospital, for instance? I have had personal experience of the waiting list there.

Mrs. GORMAN: I was going to bring that up. There is another thing—

The VICE-CHAIRMAN: Just a minute, Mrs. Gorman.

Mr. GUNDLOCK: If they had the transportation which has been mentioned, and everything else that they ask for, they still could not get into the Calgary Hospital.

Dr. MOORE: I think that applies not only to the Calgary Hospital, but to many hospitals across the country.

Mr. GUNDLOCK: That is the one we are talking about.

Dr. MOORE: Everyone has to take their turn on the waiting list. There is a shortage of hospital beds. I do not think the Indians are any worse off, and I have not heard of Indians being discriminated against. They are insured equally to go to the Holy Cross, the Calgary General, or the Colonel Belcher, and I think it would depend on the kind of urgency, what precedence they would get.

Mr. GUNDLOCK: Quite frankly, in my opinion I think we are sidestepping this issue. They are asking for some hospital beds there, and whether it is 40 miles from there does not make any difference. It might as well be 5,000 miles, if they cannot get in. Frankly, I think they are quite justified in making that request. It would be better all the way 'round, particularly if it is within the scope of your department.

Dr. MOORE: We could not attempt to supply a fully adequate hospital, in the concept of a general hospital, for these facilities.

Mr. GUNDLOCK: What about the cottage hospital?

Dr. MOORE: I think that hospital there has about 14 beds, and in emergencies they surely would be admitted and would not be refused. But when it comes to surgery—

Mr. GUNDLOCK: With all deference and courtesy, Dr. Moore, if the need were not there now, I am quite sure it would not be a part of this resolution. It is all very well to say that they can go 40 miles on a paved road, and that

sort of thing. But if there is no room, there is no room. It is like the old, old story—there is simply no room.

Mrs. GORMAN: I am not familiar with the hospitals on the reserves. As you know, I am just a volunteer lawyer. I can only take what my Indians tell me. But in Calgary they ran a picture recently in the *Herald* of the patients in the Holy Cross hospital who were sleeping in the corridors. The corridors were thick with them. When the Indian comes into the hospital, he is listed as non-resident, and this being a community hospital, naturally they are put at the end of the list.

There is already a tremendous waiting list, so the Indian is placed at the end of this long, long waiting list.

In the case of the Morley hospital, it is the only hospital for two reserves—Indian hospital—because the Sarcee reserve has no hospital at all. The increase in population of the white man is making the situation such that we are just going to have to improve the Indian hospitals, because they cannot use the white man's hospitals because of the waiting lists.

Dr. MOORE: Certainly no one can deny that there is a shortage of hospital beds for both whites and Indians. It has been the policy of the department, as laid down to me, that we were not to recommend or attempt building where other facilities could be made available.

To start with, a small hospital—and by that I mean anything under about 75 to 100 beds—is a very uneconomical operation. You have to put in certain shifts for eight-hour days; you have to provide certain services, or else it is just a shelter and you could not call it a hospital.

Mr. GUNDLOCK: If I may interrupt here, Mr. Chairman. There are some cases that prove the facts of the matter are actually just the reverse of that.

For example, at Lethbridge there are two big hospitals, with a very successful and very economical small cottage hospital in Coaldale, eight miles away.

Dr. MOORE: Of course, if they can send their surgery and other cases for specialized treatment to a larger hospital, yes, it can be managed; and certainly for confinements and things like that, the Morley hospital is available now. For women on the reserve, all confinement could easily be done in the hospital. There has been a reluctance, the real reason for which I have never been able to discover, on the part of the Stoney Indians to use the hospital over the years. I have had this reported to me on many, many occasions, and I wish I knew why. It has not been the same personnel; there has been a great turnover there. It is a very hard place for us to staff, but this question of the whole shortage of beds is certainly a problem.

Mr. GUNDLOCK: Again, Mr. Chairman, I think that is the statement that we are after; and if it is a problem, I think this part of the resolution should be recognized as a problem.

The VICE-CHAIRMAN: I am sure the committee will recognize it as a problem when they come to make their report. We have a lot of brief to go over yet, and so far as we know there is no way of arranging a meeting tomorrow. We shall have to decide on that pretty early though if we cannot finish this brief; and if you want to have a meeting tomorrow, we can arrange it. I do not know how much longer it would take to complete this brief, but I think we should try to get along with it as quickly as possible. Are there any further questions on resolution No. 32?

Mr. BALDWIN: I wonder if Dr. Moore could tell me the situation in regard to such things as hearing aids or glasses? I have a situation in mind at Fort Vermilion, where last year the chief's wife spoke to me about a hearing aid. Do you give assistance in those cases?

Dr. MOORE: The first assistance we would give would be a medical diagnosis, to diagnose the need. Secondly, through our resources we would get it at the best price possible. And thirdly, we would expect a contribution in accordance with the means of the individual or the band.

Many bands do pay from their band funds for such appliances as spectacles, false teeth, hearing aids, and so on, and there is a demand for them. However, we do assist in this way.

If it were the case of a child or a young adult who needed them to earn his living, and if there were no band funds or individual resources, then we would meet the whole cost.

Mr. BALDWIN: Is it conditional upon the band fund first providing that these things be made available, and they would be reimbursed later for their pertinent part of the cost from the band fund?

Dr. MOORE: We have a regular form for our field people to fill out in this regard. It would be passed on to the Indian superintendent and he would assess it; he would bring it up at a band meeting to see if the band was in a position to vote funds. Or, if the band had no funds, he would tell us that this individual was destitute, that the band had no funds, and it would appear on the medical report as to how urgent it was.

Mr. BEEBE: In that respect the government is too strong up near our way, by the superintendents.

Dr. MOORE: You mean as to how much a person can pay?

Mr. BEEBE: Yes.

Mrs. GORMAN: I think the feeling of the Indians on this matter is that the band fund should not be used for this purpose. Band funds are the result of the sale of the land that was given to them by treaty.

Dr. MOORE: Not always.

Mrs. GORMAN: Or the sale of band products from their reserves, such as oil, gravel, highways, and so on, and they feel that as such it should be used for the rehabilitation of the whole tribe, not to be used in this manner.

Dr. MOORE: Well, this is the policy that has been adopted by successive ministers during my service. These matters have been talked over and representations have been made. And, as I said this morning, anything is worth what the person has to pay for it; and if he can get it for free, that is about the value he puts on it.

The VICE-CHAIRMAN: Might I suggest this: that Dr. Moore is available to the members of this committee at any time we want him, to answer questions, and to tell you what you want to know about it. I think we should allow him to answer the questions which the delegates want to ask him, but I cannot see the taking up of time of those delegates just to satisfy our own desire to ask questions of Dr. Moore at this time. In doing that we are holding up the delegates.

Mr. HENDERSON: Dr. Moore is a leading witness, he is here, and he is one of the best.

The VICE-CHAIRMAN: That is right, but he is available to us at any time.

Mr. HENDERSON: Yes, but we will not have these boys here at any time.

The VICE-CHAIRMAN: That is the point. They cannot stay.

Mr. HENDERSON: Our time is valuable to us, and we are willing to give up our time.

Mrs. GORMAN: And we are willing to stay, too.

Mr. HENDERSON: The thing which occurs to me is this: 51 years ago I told Mr. Gundlock I was at Lethbridge, and there was a big Indian parade. Those

Indians have not progressed any in those 51 years in the west and in western Canada. I am interested in them, and I want those people to have a square deal.

The VICE-CHAIRMAN: That is what all of us want.

Mr. GUNDLOCK: There are certain agreements and contracts; and I do not think we should be too hasty when we set out to discover discrepancies in this committee. I think that while we have effective witnesses before us, we should not be too hasty.

The VICE-CHAIRMAN: I do not think I suggested haste; but it is a fact that Dr. Moore is available to us at any time and I think we could get our questions answered by him at any time we wish. I am sure that Dr. Moore appreciates the position we are in.

Mr. GUNDLOCK: We have had one side of it now. We have everyone concerned here before us, and I think we should go into it in detail.

The VICE-CHAIRMAN: I am perfectly willing to do so, provided that is your wish.

Mr. GUNDLOCK: I think it is pretty well up to us.

The VICE-CHAIRMAN: Are the members of this committee willing to come back tomorrow to have a meeting? Is everyone here willing to come back here tomorrow morning for a meeting?

Senator MACDONALD: We have a very heavy schedule ahead of us, and I think we should all come back tomorrow morning.

The VICE-CHAIRMAN: I know we should.

Senator INMAN: What time would you propose to meet?

The VICE-CHAIRMAN: The house goes into session at 11:00 o'clock and it would have to be before that. We have to have a quorum of nine in order to hold a meeting. We are not legally constituted unless we have nine. Are there nine people of this committee who are willing to come tomorrow morning at 9:30 when we will have a meeting? Let us have a show of hands.

That will be sufficient to have a quorum tomorrow morning at 9:30. Now we shall have to decide what room can be made available to us tomorrow morning, and we will let you know before the meeting closes tonight.

Senator MACDONALD: We have a heavy schedule ahead of us and we have to keep rolling.

The VICE-CHAIRMAN: Are there any more questions on resolution 32? If not, let us pass on to resolution 33.

Chief SAMSON: I wish to make a correction. When you refer to this particular band as St. Paul, it is not St. Paul; it is just a straight Paul's band, west of Edmonton.

And going back to their transportation difficulties in getting to a hospital, I think the service schedule of the bus there is very inadequate. I think it goes through that reserve about once a day. I do not think the train stops there. So I submit that the request should be very thoroughly considered. I know they need this clinic down there. I have been there. In fact I was down there just before I left.

Mr. BEEBE: All we did was use this particular band as an example. This covers all the remote areas where there are Indians.

The VICE-CHAIRMAN: Yes, sir, I understand.

Dr. MOORE: Mr. Chairman, it is, in general, the same problem right across the country; and it is not peculiar to this particular band, or any band in Alberta. This difficulty of transportation is met right across the country, the difficulty of transporting Indians to clinics and doctors' offices. You cannot get doctors in part-time practice, or part-time doctors who are employed by the department, to make visits on Indian reserves or to the homes of white

patients unless there is serious illness. The doctors are overworked, and they expect the patient to come to the doctor's office if he is able to.

In many cases, the demands that are made on us for transportation are beyond all reason. I have in mind the claim of a reserve I will not mention, in a province I will not even mention. But there are only about 400 Indians on it, and yet in one month the taxi bills were over \$600. When transportation is supplied, unless there is somebody there to ride hard on it, it is abused. I drafted a letter for the minister's signature this afternoon, concerning taxi bills. We did not pay them because out of about 35 trips to doctors' offices only seven had called on a doctor, and the rest had called a taxi and gone into town.

Our total vote for transportation of patients, in the department, is \$560,000. They came up in the estimates committee, and I had a hard time defending this bill.

When it comes to bringing in a patient by air and you have to charter aircraft and have to take long trips to bring in the sick, that uses a lot of money, and they are continually trying to get Indians to form health committees and have somebody in the reserve responsible for transportation of their sick people to the doctor. We do pay a lot towards it, but we are trying to hold the funds down. We use every piece of ingenuity we can to make people transport their own people to doctors' offices, and we make it as hard for them as possible to get there, without actually stopping the very ill from getting there. That is the policy we follow, and those are the reasons.

Mrs. GORMAN: Would it not be reasonable to consider putting in a form of car service like the chief suggested? If you cannot put a hospital in, at least put in transportation to a nearby hospital. Would that not be an economical way of doing it? If that transportation was there, surely they could determine whether they had an appointment or not?

Dr. MOORE: I think it would be beyond me to say the policy of the government would be to put a vehicle in every Indian reserve in Canada.

Mrs. GORMAN: No, just where there is not a hospital and a long distance involved. We are not asking for it on every reserve.

The VICE-CHAIRMAN: That is purely a matter of policy.

Mr. HENDERSON: But it is policy that causes the trouble. I remember Dr. Braden, at Dawson Creek, came to me and said, "I want to show you a bill," I said, "What is it for?" He said, "Ellen Fairclough gave it to me, and sent \$1 per patient, and our charges are \$4 for pulling a tooth." I said, "What do you want me to do with it?" He said, "Give it back to her for a present."

Mr. GUNDLOCK: I think we have an example of one place with no transportation, and an example of this abusing the privilege by the way of a taxi service. Surely, some place, there must be an equitable distribution of the service?

Mr. McQUILLAN: Mr. Chairman, first of all I want to explain that the constituency I represent takes in a great part of the coastal area of British Columbia; and I have 7,000 miles of coast land, and a few thousand Indians scattered throughout that 7,000 miles of coastline.

I would hardly expect the department to furnish aircraft, which they would have to do for every Indian reserve in order to provide transportation to hospitals in coastal areas. I think there is a certain amount of reasonableness to this; and I honestly think there is a little unreasonableness in this particular case.

Mrs. GORMAN: But where they are congregated in an area and held to that area, do you not think it reasonable that they be given hospital service in that area?

Dr. MOORE: I would submit it would be a question of policy, upon which this committee could make recommendations.

For instance the Blackfoot band has very substantial band funds, something like \$2½ million. Our belief, in my service, is that where the individual could not provide his own transportation, it becomes the responsibility of the band rather than the government.

The VICE-CHAIRMAN: That is a matter of policy for the committee to decide.

Mrs. GORMAN: We are asking that help be provided for destitute individuals, and that not the whole band be chosen to be responsible for that one individual. That is what our resolution is about.

By doing it this way you are using up what was their treaty money, to take care of one person, when it should have gone to the whole band.

The VICE-CHAIRMAN: Resolution No. 44, I believe, is the next one. I think you did answer, that Dr. Moore,—on prescriptions and drugs.

No. 35?

No. 36?

Senator FERGUSON: Regarding traveling nurses, to visit the homes at more frequent intervals: Travelling nurses, what do they do? They do not supply any nursing service, do they?

Dr. MOORE: Yes.

Senator FERGUSON: I thought they did educational work.

Dr. MOORE: One of their very important functions is home visiting, and I have figures I can produce of the number of home visits made in Alberta.

Certainly, we cannot visit every home every week, or, probably even every month, but the nurses are instructed, where possible, to make as many home visits as possible. They have school help, baby clinics, and meetings for teaching purposes. But the balance of their time, we instruct them to go into the home, because we think that is where the best means of teaching lies.

Senator FERGUSON: That is throughout Canada?

Dr. MOORE: Yes, that is throughout Canada.

Senator FERGUSON: It does not agree with correspondence I have regarding New Brunswick, but I have not the correspondence here.

I understand they did work more like the provincial public health nurses do in providing services.

Mr. HENDERSON: This is one of the best features the Indian Department produced.

Senator FERGUSON: Do you have that kind of service in New Brunswick too?

Dr. MOORE: I was just looking for some reserves upon which I could give some statistics of home visits.

For the whole of the province there was a total in the year—and these are rather round figures—of 32,472 persons seen at doctors' offices, clinics, hospitals or schools. In the home there was a total of 12,912 visited—that was for the sick. Add to that all these other types of visits for pre and postnatal care. I would think the figure would add up to an equal number of possibly not quite as large as in the clinics and offices.

Senator FERGUSON: I would like to have the figures for New Brunswick if you could get them for me.

Dr. MOORE: I will.

The VICE-CHAIRMAN: Are there any questions on 35? 36? 37? 38? 39?

Mr. JONES: I think that is the one on T.B. rations.

The VICE-CHAIRMAN: Yes.

Mr. JONES: Several years ago we initiated a scheme of T.B. rations. There did not seem to be any point in caring for a tuberculosis patient for months or years in a hospital and suddenly send him back to his home surroundings where he may perhaps have a relapse. So we instituted a system which we call T.B. rations, under this system they are provided with rations for a period up to six months. That time could be extended upon the recommendation of the doctor. If necessary, it is extended to the other members of the family.

Just what was the point raised in the brief

Mr. BEEBE: I ask the question whether this is paid for out of band funds.

Mr. JONES: The original idea was that anything to do with the care of T.B. patients or their after care was a charge against the government; in other words an Indian affairs appropriation.

Mr. BEEBE: That is not paid for from band funds on the Blood reserve?

Mr. JONES: No.

Mr. BEEBE: I will have to make a note of that.

Mrs. GORMAN: I think they are writing a lot of notes.

The VICE CHAIRMAN: Are there any other questions on 39?

Mrs. GORMAN: Is six months a sufficient recovery period? Indians do not have an education and therefore have to do manual labour. Would that be a sufficient period?

Dr. MOORE: If in the opinion of the medical officer the time is not sufficient he can recommend an extension, but it must be reviewed in six months.

Mr. BEEBE: The reason I have put this question is there are cases where the council has discussed whether they had to pay for this relief to outpatients from a sanatorium. This should not have anything to do with the chief and the council on the reserve. Do we have to grant relief to these cases?

Mr. JONES: If it is ordinary relief we expect the band to look after it, if they have the funds.

Mr. BEEBE: This is for T.B. relief?

Mr. JONES: If the relief is related to tuberculosis we have funds available in the Indian affairs appropriation to pay the bills.

Mr. BEEBE: Thank you.

The VICE-CHAIRMAN: Is that only after treatment in a hospital in respect of the patient?

Mr. JONES: In some cases if there is a liability of infection—say, for instance, if the breadwinner is in the sanatorium, if there is any thought by the doctor that the wife and children may have been infected prior to the breadwinner going into the hospital, then the family would be put on these rations as a preventative. Usually, however, it is for the convalescent patient in order to give him or her an opportunity to convalesce in reasonably good circumstances so that there will not be a relapse.

Mr. BEEBE: I think I will have to send in some bills, Colonel Jones.

Chief SAMSON: I would like to say something in respect of T.B. patients. We have an elderly lady who has been in the Charles Camsell hospital for quite a while. She has been released and has not been issued any rations. She is an elderly lady of about 80 or more. Her grandchildren are taking care of her. Up until two weeks ago she has never received any T.B. rations like the rations you mentioned here.

Mr. JONES: Was this brought to the attention of the superintendent?

Chief SAMSON: I think the superintendent knows she should get them.

Mr. JONES: Was this particular case brought to the attention of the Indian superintendent?

Chief SAMSON: I think the girl who has been taking care of her brought it to the attention of the superintendent.

Mr. JONES: Would you give us the lady's name?

Chief SAMSON: Anna Okeymaw from the Samson band. She has been released from a hospital since February.

The VICE-CHAIRMAN: Are there any further questions on 39?

Mr. GUNDLOCK: I would like to ask Dr. Moore again where the line is drawn as between federal and provincial jurisdiction in respect of dental service as between dentists and technicians. I have an example here. There is a dental technician who has been prohibited from working with the Blood band in Cardston. He is a member of the technicians association. He is not only prevented from continuing to practise but it has gone so far that he has not been paid for work he has already done, due to complaints by the dental association in Alberta.

Dr. MOORE: Mr. Chairman, in all procedures we do attempt to abide by provincial law. I am fully aware of this case. I have discussed it on many occasions. The issue is that this man in particular violated the Dental Act of Alberta, a piece of legislation in Alberta.

There were some bills paid before this was brought to our attention by the Alberta dental society. They came to us and asked for evidence of these accounts. They wanted to proceed with a court action. We did not wish to become involved in that, but we did refuse to recommend payment of any further accounts until the law of Alberta was complied with. As this man was breaking the law of the province of Alberta I refused to certify his account. I do not make the law.

Mr. GUNDLOCK: Payment of the further accounts may have to be accepted, but what about the accounts for the work he has done, so to speak in good faith under sanction of the band and the Indian agency?

Dr. MOORE: The man knew he had been breaking the law when he did this work. He had been paid for it before it was brought to our attention. Once it was brought to our attention, I do not think we were in a position to pay it.

Mr. GUNDLOCK: If he had done work after that point I would agree with you. I am not a lawyer. The fact is that this work was allowed and sanctioned by the band and the agent.

Dr. MOORE: The man knew he was breaking the law and when we were informed we did not recommend any further payments.

Mr. GUNDLOCK: But he did no further work after that.

Dr. MOORE: I do not know about that. I am told he did I might say, for the benefit of the committee, that the minister made the decision on this point. There was no controversy about it. The facts were laid before the minister and he made the decision. In the case of controversy that is the policy.

Mrs. GORMAN: The Indians are very concerned over this case, because he was charging less than other people and they were able to use his services, whereas they presently feel they cannot pay the high prices for other services.

Dr. MOORE: Mr. Chairman, for the information of the band and Mrs. Gorman, if this man complies with the law, that is, that the work inside the mouth is done by a licensed dentist, a dentist who is licensed to practise in the province of Alberta, that is, the impressions taken and fittings made, then he should do the dental mechanics duties and be paid, and I think at a price much

more reasonable than what you get charged in a laboratory in Calgary. But if he substitutes himself for a licensed dentist he is doing an illegal act under the Alberta law.

Mrs. GORMAN: They were able to get it for exactly half the price.

Dr. MOORE: Yes, I appreciate that.

Mr. McQUILLAN: Do you have a similar situation in British Columbia?

Dr. MOORE: Yes, the same type of act, the same situation would apply there.

The CHAIRMAN: Any further questions on the dental resolution, No. 40? No. 41?

Senator MACDONALD: Before you leave 40 I think I would direct this question, if you do not mind, to Mrs. Gorman. I am not sure. Has the provincial Department of Health got mobile nurses who go around visiting schools—now I am getting down to the school children and examining their teeth in the schools and for malnutrition, and so on? Have you got that service in Alberta?

Mrs. GORMAN: I am just a lawyer who works for the Indians and I would not know; but I know my own daughter when she went to school in Calgary got such service.

Senator MACDONALD: I was wondering if that applied to the schools on the reservations. Could the senator answer that question? Is there a dental inspection or health inspection carried on in the schools on the reserves?

The JOINT CHAIRMAN: (*Senator Gladstone*): I am afraid I would have to ask Dr. Moore to answer that.

Dr. MOORE: One of our prime endeavours is school health and the teaching of health in the schools with assistance from our nurses who make regular visits to the schools, and our prime efforts are directed towards the school children and the inspection and treatment of children's teeth.

Senator MACDONALD: That answers the question.

The VICE-CHAIRMAN: Any further questions now? No. 41.

Mr. McQUILLAN: I understood we were going to have Dr. Moore reply to some questions which he has not already answered, concerning health services. If I was sure Dr. Moore was going to be back—

The VICE-CHAIRMAN: Dr. Moore will be available to the committee I am sure some time when we have not witnesses here, and you can ask Dr. Moore any question you like.

Dr. MOORE: If I might be permitted just one more brief remark. On the problems under the health service, I have not attempted to answer all these things. I would like to state for the record that some of the statements made here are not in accordance with statistics we have returns on, particularly on the immunization of children. I would like to say one more word, particularly to the councillor. There should not be a case of tuberculosis on the blood reserve, but until 20 or 30 people, who regularly leave for the States about the time the travelling clinic comes remain at the reserve, we are going to continue to find tuberculosis. If you can find those people who regularly evade the travelling clinic we will be able to eradicate tuberculosis altogether. I would like your cooperation on that.

Mr. BEEBE: There are a lot of young fellows away on jobs off the reserve, and we know there are some refuse; but the councillors have really worked on those fellows to try to get them to the X-ray, and I think the blood reserve is very cooperative on that point.

Dr. MOORE: We certainly appreciate the assistance of the chief and council.

Mr. BEEBE: There are 2,900 Indians on that reservation and it is pretty hard to corral them all in one day.

The VICE-CHAIRMAN: No. 41, I think Colonel Jones has a word to say on this—family allowances.

Mr. JONES: The regulations governing family allowance payments are just the same for Indians as they are for white people in any hospital, and the cut-off is 20 days. An Indian child or a white child is not cut off from family allowance if their stay in hospital is 20 days or less. If it exceeds 20 days then they are cut off.

I might for the benefit of the delegates suggest that when they go home, they tell the different bands that the quicker they can notify the regional director of family allowances in Edmonton that their children are released from hospital, the quicker that amount will be put back into pay. The regulations are of another department and they are the same for the Indians as the whites, 20 days.

Mrs. GORMAN: That is a serious problem, this communication. Actually I have visited northern reserves and in many of them there is not a telephone to the agent's office, even if there was a fire or plague, and the post office is often 20 or 30 miles from their home. By the time they make a trip to the post office, to get that to Edmonton, the government red tape run through and for it to come back, in the case of Indians, it makes it extremely long in most cases.

The VICE-CHAIRMAN: Could they not report that when they left the hospital?

Mrs. GORMAN: A post-dated cheque for instance, could be given to them at the hospital when they leave?

The VICE-CHAIRMAN: No; report they are leaving the hospital as they leave the hospital. Obviously they are no longer sick when they leave the hospital. Could that not be done then, instead of waiting until they get home?

Mr. JONES: I think the regional director of family allowance relies on getting reports from the hospital of admissions and discharges. If there is any delay in those reports then there is a delay in putting the account back in pay. That is why I suggested that if Indians could let the regional director of family allowances know the minute the child comes home from hospital, it would speed things up that much, because hospitals are busy and the reporting of admissions and discharges, I imagine, sometimes is a little slow.

Mrs. GORMAN: It is an especially serious problem, because Indian families can not feed children nearly enough when they get the allowance; so when the allowance is cut off the child who has been ill often suffers.

Mr. JONES: But the regulations are the same for all children.

Mrs. GORMAN: We would like a special regulation for the Indian children, frankly.

The VICE-CHAIRMAN: No. 45, resolution on welfare?

Mrs. GORMAN: I wonder at this moment could I say on behalf of the Indians that they would like to thank Dr. Moore for the wonderful work the department has done in the field of health. I deeply appreciate that, and you will notice we are not criticizing their work. We are asking a further extension of that work. A big difficulty is, I think, that so much of the cost of the health is attempted to be obtained from band funds, which the Indians feel is not right. They feel those funds are for the use of the whole band.

The VICE-CHAIRMAN: Now, page 45, resolutions on welfare. Mrs. Gorman?

Mrs. GORMAN: The governor has always, I think, from the very beginning of their dealings with them, intended to give the Indians welfare services. Governor Morris took with him—

The VICE-CHAIRMAN: There will be an adjournment for the vote in the Commons chamber and we will come back afterwards.

—The committee took recess for a division in the house.

The VICE-CHAIRMAN: We can proceed again now. We have a quorum of nine. What number were we on? Were we still on No. 42 or on 43?

Mr. MACRAE: We had just finished 41.

The VICE-CHAIRMAN: I think so. Now it is 42, welfare. Are there any questions, ladies and gentlemen on 42? Or if not, on 43?

Mr. GUNDLOCK: Coming back to No. 42, I do not think there are any questions; but when I see there is only one worker for 18,525 Indians, I think that should be recognized as a rather deplorable situation. The ratio is one welfare worker to 18,525 Indians, and I think we should recognize that as being a rather deplorable condition.

Senator HORNER: What is that?

Mr. GUNDLOCK: One welfare worker to 18,525 Indians.

Senator HORNER: Welfare?

Mr. GUNDLOCK: Yes, one welfare worker for 18,525 Indians.

Senator HORNER: I wonder what Colonel Jones has to say about that.

Mr. JONES: I was very interested in reading the resolution, Mr. Chairman. I can go along with the sentiment behind the resolution, although I must be frank in saying that I do not think it is the proper approach. Right now, I do not know where you could find nine qualified social workers. We have three on our staff now, and I think in one case it was as a result of a third readvertising.

What we have in mind as a policy—and the minister made an announcement about it in the house not too long ago—is to bring the full provincial welfare resources to the reserves rather than to set up parallel staffs and organizations. We prefer to make arrangements with the provinces and to have them give to Indians the same services on reserves that are available to non-Indians off reserves.

We have an agreement with Ontario. In Ontario the Children's Aid societies are autonomous, and we have had to conclude agreements not only with the province but with each children's aid society which was concerned with Indian work. I think we have 22 agreements with children's aid societies, which has worked out well. They are expanding their facilities to give the Indians of Ontario the very same social welfare services that are available off reserves. That is our aim for the future; to move into each province and to take advantage of their resources through financial agreements, of course, rather than to set up our own welfare staff, which I do not think would produce nearly the results compared to making the full resources of the provincial welfare services available to Indians on the reserve.

Mr. GUNDLOCK: I wonder not only in connection with this, but your Indian agents; do their duties—shall we call them duties—include such things as this? Do they act either as a duty to the department or to the reservation? Do they act in some of these capacities as advisor in welfare?

Mr. JONES: The Indian agents?

Mr. GUNDLOCK: Yes.

Mr. JONES: Well, their responsibilities are many, and that is why we have found it necessary in the past few years to increase our staff by the addition of specialists who are trained in different types of work, such as school inspectors, counselling officers, and social welfare workers.

We do plan to increase the number but they will be mainly for group activities, because one social worker just cannot handle the case work. We think we could do more in the way of group work if we put in another social worker.

And arrangements are being made to do this, if we can get that extra official; but, to be perfectly frank, the present policy would not be to implement this thought-provoking resolution of the association, and add nine more. We would prefer to enter into an agreement with Alberta to have them supply the social workers from their staff and give a complete service so there would be no discrimination anywhere in Alberta.

Mrs. GORMAN: We are not concerned with who does it, but just to see that someone does it.

Mr. JONES: I think that is the answer.

The VICE-CHAIRMAN: No. 43?

Mrs. GORMAN:

Be it resolved that Section 66 (2) be revised, with the mention of sick, disabled, aged or destitute being struck out, so that all pensions or services offered to non-Indians in Canada would be paid to Indians from provincial or federal funds.

Furthermore that a special study be made by the government to ensure that such equality is established.

The Indians were promised a certain degree of welfare by their treaty. The evidence that the government has always intended to give the Indian welfare services can be found in what Governor Morris said regarding Indian treaties. Governor Morris was the agent who signed the western Indians in treaty. On his trip he took with him a secretary and reporter, and both recorded negotiations in day books. I am mentioning this because day books are legal evidence and are admissible in a court and before this committee.

He is recorded as having replied, to a question as to what welfare services the government would give:

I cannot undertake the responsibility of promising provision for the poor, blind and lame. In all parts of the Queen's dominions we have them; the poor whites have as much reason to be helped as the poor Indian; they must be left to the charity and kind hearts of the people.

Welfare services as we know them now were almost unknown to the general public in those days and such assistance was left to individual charity. Governor Morris felt therefore, that the Indian should be treated the same as the white person in matters of welfare. The statement, "the poor whites have as much reason to be helped as the poor Indian", is a clear implication that the opposite would also hold true, namely, that the poor Indian has as much reason to be helped as the poor white.

This was the thinking on this matter from the beginning of time, yet to a large extent the Indians have had to supply their own welfare assistance. I would like to read you some figures that show that the welfare they receive is much lower than the poor white in his community receives.

In Alberta, certain clauses in its welfare Act are designed to specifically exclude treaty Indians who live on reserves.

If our people are to receive the same treatment as non-Indians in matters of welfare assistance, we feel that present relief payments should be thoroughly investigated. At present, an Indian family of two adults and seven children—that is, nine persons—in Alberta receives \$109 a month, or more than twelve per cent less than the payments to non Indians families of the same size in the same province.

In addition a non-Indian may receive shelter and utilities allowances, water, family allowance payments, and clothing, without having them deducted from his relief. They also may earn up to \$18 per adult or \$36 a month for the family. A non-Indian family of nine, therefore,

might obtain more than \$205 a month in relief and earnings, as well as utilities, clothing and other aid. In contrast, that is, to the \$109 that a similar Indian family would receive.

Many of the forms of assistance made available to non-Indians are not received by Indians. In some cases, we feel that the amount of assistance given to non-Indians could be just about double what we receive. However, we do not have sufficient figures, nor the experience, to make a competent survey of the two types of welfare. Today, the average Indian on his reserve has a standard of living which is considerably beneath that enjoyed by persons in surrounding communities. Evidence of this is offered in questionnaires and other data submitted to this committee. Poor housing, insufficient food, lack of modern facilities, inferior education, with the resulting lack of employment opportunities, and many other factors are contributing to this situation.

It is inevitable that if persons with an inferior standard of living are surrounded by those with better standards, there is bound to be ill-feeling and discontent. And, if those from a poorer standard attempt to move to the other community, a great many difficulties will arise. This is the situation that our people often face. Many of us have not had experience with modern sanitary and economic conditions. This, added to the natural problems of language and education, force us to gather in the poorer areas of cities and towns until we are generally identified with that section of the community. A situation which is really an economic problem gradually becomes a racial one, and the average citizen comes to consider our people generally as poorer class individuals.

It is very clear that this economic, shall we say, inferiority to the white has prompted this resolution.

Senator HORNER: Is there nothing of treaty money, or something, deducted that would equalize that? I am wondering what Colonel Jones would have to say.

Mrs. GORMAN: The problem is that in the Indian Act, under section 66, it is the Indians themselves who support their sick, disabled, aged or destitute. That was actually put into the act, although, as I pointed out to you, at the time of the treaty it was said, "We will treat you the same as we would non-Indians".

So they are requesting that that should come from provincial or federal money, rather than their own money. This is a similar problem that we brought up last time, at the last session we had here, on health. I think it is unfair to ask the band funds to support welfare. The Indians feel that is unfair.

Actually, the situation works out this way, strange as it may seem, that if a band does not have funds, then the government supports that band, and it supports them in a fairly good way. So the result is that a band which is supporting its people out of band funds, through their own efforts, often gets less welfare than the ones who do nothing are receiving. It seems to the Indians it would be fair if band funds were spent on communal projects, on projects which raise the standards of the whole reserve, because that is the money that came from their treaty, from selling the things under their treaty, rather than, shall we say, using them for welfare. So they are asking that section 67 of the act be amended and those words struck out—"sick, disabled, aged or destitute."

Actually, at the present moment, the aged are not taken care of by band funds but by pension.

The VICE-CHAIRMAN: If they are over 70.

Mr. JONES: 65 years for old age assistance.

The VICE-CHAIRMAN: Does Alberta pay in half the old age pension system?

Mrs. GORMAN: With the means test.

Mr. JONES: With the means test, the same as any place in Canada.

Mrs. GORMAN: Actually, that should no longer be in the act anyway. The aged allowance is not taken from band funds.

We would like "the sick, disabled, aged or destitute," struck out.

The VICE-CHAIRMAN: Does not Alberta pay half of the blind pension, the disabled pension or mothers' allowance?

Mrs. GORMAN: Yes.

The VICE-CHAIRMAN: You are entitled to all those things?

Mrs. GORMAN: Yes, but there is no widow's pension. There are several small pensions they are not paid.

The VICE-CHAIRMAN: The federal government pays half of the pensions to the provincial?

Mrs. GORMAN: Yes, and the provincial does pay its pensions to the Indians.

The VICE-CHAIRMAN: They do in Ontario, I know; but I do not know about Alberta.

Mrs. GORMAN: The change we are asking for is in the act itself, in section 66 of the act.

The VICE-CHAIRMAN: Who would you bring under that who is not now being paid?

Mrs. GORMAN: We would not bring in anyone; but if that section was not in the act they could not insist they come out of band funds, sir.

The minister may make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band and to provide for the payment of contributions under the Unemployment Insurance Act on behalf of employed persons who are paid in respect of their employment out of moneys of the band.

The Indians are quite content to have burial fees deducted and payment to the Unemployment Insurance fund; but they would like this section to be amended by having removed the words

to assist disabled, aged or destitute Indians of the band.

The minister can do this now without the consent of the band. They are content to keep in the act the section where, with the consent of the band, they will make payments, but they do not want to have forced on them payments to assist the sick, disabled, aged or destitute.

Senator INMAN: Could I ask a question?

You mentioned band funds to be used for certain projects. May I ask what these projects would be, and what would be considered?

Mrs. GORMAN: I think things like community halls—

Senator INMAN: Electric lights?

Mrs. GORMAN: Yes, things like that. I also think of housing, that would be included to a certain degree—all permanent improvements to the reserve. But they do object to their band funds being dissipated, shall we say, on maybe one family just because they happen to be hard up.

In the rest of Canada we pay when the individual is hard up. We do not say for instance, "There shall be paid no funds into a certain town—or welfare pensions, and so on—because that town is a wealthy town." We say, "The poor people in the town will be taken care of."

The Indians say: "Should not a really poverty-stricken individual be taken care of, as a white individual is taken care of? Why should he have to be relying on his band funds, which were really treaty money?"

Mr. BEEBE: Another case you could see plainly as you go across Canada. When you drive on your holiday this coming July, and drive along across Canada, when you hit a reserve, without inquiring you will know it is a reserve because you will see the lack of improvement there, like roads and housing, anywhere. I guess your people have noticed that in a lot of cases. You must try and spend money on that, and the disabled and sick, whoever they are, who should be getting welfare assistance, that should be at government expense.

Mr. HENDERSON: Do the government not do any road work on the reserve?

Mrs. GORMAN: We have a resolution on that further on; but I believe the Indian bands pay for their own roads, and they are costing them a great deal.

The VICE-CHAIRMAN: We will come to that later, Mr. Henderson.

Mr. HENDERSON: Okay.

The VICE-CHAIRMAN: Colonel Jones, would you like to make any remarks on that?

Mr. JONES: Mrs. Gorman has raised a problem that is not new. There is a feeling among a lot of Indians that their bands' funds are being used for social welfare purposes, whereas bands that have not any money, the federal government absorbs the whole cost.

What Mrs. Gorman says is quite true. Section 66 does provide by law that relief of the unfortunate forms a first charge against the revenue of bands which have funds. That, of course, is a matter of government policy. Mrs. Gorman is representing a number of wealthy bands who happen to be in Alberta. Through disposal of their assets—timber, sale of land and oil—they have fairly substantial funds; whereas, in other parts of Canada, through no fault of the Indians, the bands have nothing.

There are these two points of view to a common problem. In the Indian Act it is very definite that the first charge against the revenue of a band must be the care of the unfortunate.

Senator HORNER: That is as I understand it, in the case where a band has ample funds. I accept the reluctance of the minister to make a direct charge on the treasury.

Mrs. GORMAN: I would like to explain these band funds. They may seem very large. Where they are large they have to serve a very large group of people. I would say the most fortunate reserve is obviously the oil well reserve. There the payment is \$15.00 per person per month. That is not as much as white people receive who are on relief. These are not wealthy Indians. They might have a band fund because they have sold their oil. Having sold it once they never get it back. This fund is for all time. I would say there are a great many bands in Alberta which do not have any band funds at all.

Mr. JONES: Yes.

Senator HORNER: That might be. Through the development of the country, however, and the building of cities in proximity to reserves, and so on, there are some bands which are placed in a very fortunate position.

Mrs. GORMAN: Yes.

Senator HORNER: And they have ample funds. If you are going to alter the act then you would be including all. There is really no necessity in some cases where the bands really are wealthy.

Mrs. GORMAN: But they are not wealthy in the sense in which we understand wealth. Would you, for instance, say you were wealthy because you lived

in a city which had millions of dollars worth of buildings and not buildings which you could use. A band fund is of that nature.

Mr. McQUILLAN: You must realize that the government has available only a limited amount of money. There is no such a thing as government money. Would you not advocate that the government should spend that limited amount of money on those who have nothing?

Mrs. GORMAN: No sir. In this case I would not. May I explain it this way. We in our world take care of an individual who is hard up. We do not say you live in a wealthy community and therefore we will not take care of you. We take care of that person because he is hard up.

First of all I do not think the reserves ever should have been sold. It was improper and was a breach of treaty. However, it was done. Having been done, are you going to take this money which was paid for the land for welfare purposes? It does not seem fair at all. It seems to me if we take care of a white person when that person is indigent that we should care of an Indian who has a similar problem. If you deny it to the Indian and give it to the white man, is it fair?

Mr. McQUILLAN: I do not see that there is any denial in that respect.

The VICE-CHAIRMAN: I think you are giving rather a misconception, Mrs. Gorman. There has been no Indian land sold without the sanction of the band.

Mrs. GORMAN: But when that land was sold I think they had their old hereditary chiefs, and the feeling of the people is that they were talked into it. They were told if they did not sell it they would starve to death. When an immigrant comes here from Europe we take care of him when he arrives. Why can we not offer the same thing to the Indian? He has been here a long time and is a good citizen.

The VICE-CHAIRMAN: I am not arguing with you, but I wanted to make the point. There never has been a case, to my knowledge, where the lands have been sold out of a band's hands unless by the consent of the band itself.

Mrs. GORMAN: Yes.

The VICE-CHAIRMAN: Ladies and gentlemen, it is five minutes to six. I think we had better adjourn this evening. We will meet again tomorrow morning in room 356s at 9:30. Please let us have a quorum.

EVIDENCE

FRIDAY, May 13, 1960.

The CHAIRMAN: Ladies and gentlemen, we have a quorum.

I want to thank you for being so prompt this morning, and in arriving sharply at 9.30.

I think we should commence immediately, because we only have until 11 o'clock. I hope we can finish this brief, and then have a few minutes remaining to hear from another delegate from the Blood band, who is here at his own expense.

Mr. HOWARD BEEBE (*President, Alberta Indian association*): If I may speak, Mr. Chairman, I would like to thank this committee for coming back this morning, in order to complete our brief.

I sure appreciate what you people have done for us. Thank you.

The VICE-CHAIRMAN: May I say that we are glad to do anything we can to endeavour to solve some of your problems.

We are on resolution No. 44.

Mrs. J. C. GORMAN (*Legal Adviser to the Indian Association of Alberta*):

Resolution No. 44:

Be it resolved that the government be urged to improve the whole standard of housing on Indian reserves by providing more funds for better welfare houses and assistance for other types of housing.

Ladies and gentlemen, the houses we are discussing today are welfare houses. They are not houses for Indians who are employed in a good job, and support themselves; they are houses for indigent people.

When another group was speaking to you, at another time, you had a report from the department. At that time, figures were given in regard to how much was spent on welfare houses. The figures were very large, but when we broke those figures down in regard to the number of houses that were built, they came to \$1,370 per house. I do not know how the building situation is here, but in Calgary, that gets you a nice garage. These houses do not have basements; they do not have storm windows and, frankly, they are cold in our winters.

As I pointed out, these are houses given to indigent people. Just as we supply housing allowances to people in our communities, these are the houses that are supplied to them. If you break those figures down under, shall we say, a ten-year period—and I think that is a fair—that comes to about \$12 a month per family. Therefore, not a great deal of money at all has been spent on supplying houses for Indian people. We feel these houses should be improved and made warmer. Dr. Moore spoke on this, and he said their health depends, to a great extent, on their homes. Frankly, we feel there should be some sort of aid to raise the standard of that home, if we are to make them first class citizens. They have to begin by living in decent homes.

Mr. HENDERSON: I have some figures here on brand new houses. Five new houses were built for members of the McLeod lake band, in my area, at Vanderhoof. The total came to \$9,595 for five houses.

Mrs. GORMAN: That is about \$2,000 a house.

Mr. HENDERSON: This is just the lumber.

The VICE-CHAIRMAN: Just the material?

Mr. HENDERSON: Yes.

Senator MacDonald: That is a figure for that many houses?

Mr. HENDERSON: Yes.

Mrs. GORMAN: Are these welfare houses? You see, the government owns the land, so all houses on Indian reserves belong to the government. You see, the Indians put up their own houses out of the proceeds from band funds. But, welfare houses are different. They are for the Indians on the reserve, and it was in regard to those houses that the figure was given by Mr. Jones to this committee, in so far as how much was spent on them in the last year—and it broke down to \$1,370 per house.

The VICE-CHAIRMAN: I think, probably, there is a misunderstanding on this. The government does not own that land; the band does.

Mrs. GORMAN: No; it is in the name of the crown.

The VICE-CHAIRMAN: But in trust?

Mrs. GORMAN: Yes, but it is crown land. This makes it difficult for churches. They will not put buildings up on reserves because they have lost the building because it belongs to the crown.

The VICE-CHAIRMAN: In regard to churches, this land is for the Indians and not church organizations or primary white organizations. The land has to belong to the Indians. That is why a church could not come on, except under lease.

Mrs. GORMAN: The land is in the name of the crown. It is registered.

Colonel H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): The land is held in trust by Her Majesty, for the use and benefit of the band for whom it was set aside.

Mr. HENDERSON: The only thing I have against these houses is that they are all built the same. If they would change them a little they would not look too bad.

The VICE-CHAIRMAN: What I am suggesting is that when these houses are sold, and when the land is sold, the crown does not get the money; the Indian people do.

Mrs. GORMAN: If it is ever sold—but presently, it is the crown that own them, and the band decides who is to live in them, with the final consent of the department of Indian affairs.

Mr. McQUILLAN: Are you advocating certificates of possession?

Mrs. GORMAN: No. I am pointing out that the Indian does not necessarily own his own house. I am not advocating that they do, nor do they want that. They ask to have no certificates of possession.

The JOINT CHAIRMAN (Senator Gladstone): I might explain that the welfare houses are built by the government. Take, for instance, my house: although I do not own the land, the house is mine, and if, for any reason, I was moved off, I would get compensation for improvements.

Mr. GUNLOCK: While we are discussing this matter, could we have a word from the two witnesses from the reserves?

The VICE-CHAIRMAN: Yes, surely.

Chief JOHNNIE SAMSON (*Samson tribe, Hobbema, Alberta*): We feel that welfare houses are destitute homes—and a destitute has to be looked after by the government. Therefore, the government must put up houses which are suitable and comfortable for these old people. They are passed on from one family to another, as we do at home. Now, these destitute and old people—most of them have a one-room cabin, where they have their cook stove, bed,

table and living room all in the one room. These rooms are 20 by 14 or 20 by 16. Now, do you think that is comfortable?

Senator HORNER: No, it certainly is not.

Mr. McQUILLAN: May I ask a question?

The VICE-CHAIRMAN: Proceed.

Mr. McQUILLAN: What type of project is the housing project, which is outside of Cardston on your reserve?

Chief SAMSON: We have come up to the four-room house there. That is the redeemable house, on a ten-year system.

Mr. McQUILLAN: Are they band houses?

Chief SAMSON: They are built out of band funds, and the families who get them are paying back 10 per cent for the four rooms, which run around \$4,000 to \$4,500.

Senator HORNER: Do they have basements?

Chief SAMSON: No basements, or storm windows.

Senator MACDONALD: Consideration should be given to basements.

Senator HORNER: You would think the basement would be the cheapest room in the house.

Chief SAMSON: Yes.

Senator HORNER: It would be covered by the one roof.

Chief SAMSON: We have moved now up to a two-room house for destitutes. The band funds have been financing these houses, but we are sure, though, that this should be a government expense, because in our treaty it says that the Indians should be looked after. We are not saying that an able-bodied man who can make enough money to pay \$300 to \$400 a year, should be in that class. That could be financed by the band funds, because it is coming back. However, the aged and the crippled, and the sick should be supplied with houses by the government.

Mr. GUNDLOCK: Is the government not furnishing those on the Blood reserve, as mentioned here?

President HOWARD BEEBE: No.

Mrs. GORMAN: They all furnish their own homes.

President HOWARD BEEBE: Yes.

The VICE-CHAIRMAN: I will call Colonel Jones, so that he may explain this situation.

Mr. GUNDLOCK: May I ask a couple of further questions, please?

The VICE-CHAIRMAN: Yes.

Mr. GUNDLOCK: You said these welfare houses are not built by the government on the Blood reserve.

President HOWARD BEEBE: No, but through band funds.

Mr. GUNDLOCK: And the understanding at the moment is that it should be furnished by the government. Is that right, Mrs. Gorman?

Mrs. GORMAN: Yes, and we would like a good standard—a standard that is comparable with the non Indians.

Mr. GUNDLOCK: Is it a resolution, or are you just asking for that?

Mrs. GORMAN: Yes, there is a resolution here. It is resolution No. 44, and reads as follows:

Be it resolved that the government be urged to improve the whole standard of housing on Indian reserves by providing more funds for better welfare houses and assistance for other types of housing.

Mr. GUNDLOCK: I see. I have one more question. Are these houses built by contract, or by Indian labour?

President HOWARD BEEBE: The band has hired a carpenter to run this housing project.

Mr. GUNDLOCK: He is hired as a supervisor, is he? It is not done under contract?

President HOWARD BEEBE: The crew is all Indian, except three. I think there were three white guys there.

Mr. GUNDLOCK: Then this man, who is there as supervisor, is hired by the band.

President HOWARD BEEBE: Yes.

Mr. GUNDLOCK: Is he hired at so much a month or year, or so much a unit?

Chief SAMSON: He is paid a monthly wage. I think Colonel Jones would have the agreement with this man.

Mr. GUNDLOCK: I notice that a couple of these in the Blood reserves look like they are beginning to sag a bit. Who finally inspects this work?

President HOWARD BEEBE: The carpenters.

Mr. GUNDLOCK: The carpenter who builds them?

President HOWARD BEEBE: Yes.

Mr. GUNDLOCK: That is nice work, if you can get it.

Senator HORNER: I would like to hear Colonel Jones on this subject.

The VICE-CHAIRMAN: What is the situation on this, Colonel Jones?

Mr. JONES: Mr. Chairman, first of all, I am afraid that the figures I heard this morning do not agree with the one that we have—about \$1,300. Maybe there are two different approaches to it. However, the average cost of homes in Alberta is in the neighbourhood of \$2,700, when you consider the various sources from which the money comes.

As I mentioned the other day when, I think, the dominion Abitibi representatives were here, welfare housing money is made available according to the needs of a band and the individual, and the more that other sources can supplement what the government is providing, the more the \$2 million of our housing appropriation can be spread out. Two years ago it was \$1 million, but it has been doubled since. In connection with the Bloods, they handle, their own housing program from band funds. In the case of some bands, we go fifty-fifty with them—50 per cent band funds and 50 per cent appropriation. We ask the Indians to provide to the utmost of their ability, and appropriation takes care of the rest. In the case of the old people, the widows and the helpless, it is pretty well 100 per cent from welfare housing funds. We try to have the houses built by Indian labour and by Indian carpenters, and to keep contracting to the minimum. It is only in certain isolated areas where we might have a contractor built four or five houses. However, this is not a common practice.

The VICE-CHAIRMAN: Colonel Jones, I understood you to say the other day that in some cases you supply them with the lumber, and let them build their own homes?

Mr. JONES: Yes.

The VICE-CHAIRMAN: And, in that way, all it would cost them would be their labour.

Mr. JONES: We try to get the utmost contribution from the Indian, in the form of labour and material, and we will come along with the balance.

Senator HORNER: Does your department do anything by way of inspection to ensure that the house is up to standard for the money spent on it?

Mr. JONES: Yes, to the best of our ability. We have technical supervisors in the field and, recently, we got out a brochure on Indian housing. This was put out in an attempt to standardize and regularize housing across Canada, with the idea of helping the Indian design low-cost units, and also with the idea of community planning. This brochure has been made available just in the last few months and, we hope, through this, even better use of not only government funds, but band funds, will be made.

Mr. GUNDLOCK: Mr. Chairman, I wonder if I could ask a question of Colonel Jones. Mr. Beebe touched on this a few moments ago. It seems that in a very short time—as short a time as two or three years—these houses would begin to show faults. It was stated that the man who builds them, inspects and approves them. The point with which I am concerned, is why an Indian agent, or someone, is not sent to make sure these are built properly. Should we not take more interest than to let things like that happen under our noses? It would be in all fairness to everyone. I know it is a band fund, and they can do with it what they like, but that is squandering good money.

Mr. JONES: I quite agree with you. Where houses, or any other type of construction, is undertaken, there should be an inspection.

Mr. GUNDLOCK: A house should not show signs of that kind within a year or two. A properly built house should be good for 20 years anyway.

Mr. JONES: We have our building supervisors in every region, and they do the best they can. I do not know what the system is in regard to the Blood band.

Mr. GUNDLOCK: Mr. Beebe said their construction foreman builds the houses, and inspects them. I think it is a bad situation, when they begin to deteriorate very rapidly within a year or two.

Mr. JONES: I agree with you that all projects should have thorough inspection.

Mr. GUNDLOCK: There must be some type of proper supervision made. It should be done by someone who has their interest at heart. That sort of thing should be stopped.

Mr. JONES: We have had very good success with our business program. The houses have stood up well. There have been errors in a few cases, but you have to take into consideration this big dominion of Canada, and the various places in the north, where difficulty is experienced in getting material in at certain times of the year. I agree with you that no effort should be spared in regard to inspection.

Mr. GUNDLOCK: Well, there is no difficulty, like you mentioned, on the Blood reserve—and that is a banana belt.

Mr. HOWARD: I think mention was made of technical supervisors or building supervisors. Are these the same people?

Mr. JONES: We will be going into this later on, when the committee is dealing with our staff and organization. We have our construction engineering services, with headquarters in Ottawa. There is a big unit in Vancouver, and a prairie depot, to help give technical advice to our superintendents, who do a lot of our inspection work. We have construction supervisors on the regional staffs who, to the best of their ability, look after our road construction, housing construction, bridges and culverts and, in particular, irrigation works, and so on, in British Columbia. Therefore, we attempt to get a dollars value out of every bit of government money that is spent.

Mr. HOWARD: How many of these technical or construction supervisors do you have, who deal specifically with housing?

Mr. JONES: I do not think we would have any, Mr. Howard, who deal entirely with housing. They would go to an area, and probably would be looking into road jobs, and some houses. They would take in different projects in a given area. If they went in for a week, they would be looking after different projects.

Mr. HOWARD: But there are no construction or technical supervisors, in so far as houses themselves are concerned?

Mr. JONES: None are earmarked for housing.

Mr. HOWARD: Are these the same people that give guidance to the Indian superintendents, in so far as the Indian superintendents making some attempt to see that the houses are built in the proper fashion?

Mr. JONES: Yes.

Mr. HOWARD: The Indian superintendent is in effect a sort of building supervisor.

Mr. JONES: The Indian superintendent is in charge of everything, which goes on in his agency, but he is helped by specialists.

The VICE-CHAIRMAN: Colonel Jones will be here to answer a lot of questions when the delegations are not here. He is available at any time. I wonder if some of the questions committee members may have for Colonel Jones could be delayed until after the presentation is complete.

Mr. HOWARD: May I make one comment on that. At last year's sittings of this committee we had a discussion similar to this. That was one of the reasons why we thought it would be advisable to have Colonel Jones and members of his staff here and also persons from the Indian and northern health services, so that when questions are asked by delegates we could explore them while the officials are here. Otherwise there would be a danger that we might listen to what the delegates say, a point would be raised in our mind which we would like to inquire about some department, and we may not get around to it until next year. It was a matter of striking while the iron is hot.

Mrs. GORMAN: Might I correct the matter in respect of our figures. We have a difficult time in obtaining figures. Frankly, we have been using the figures presented by the department to this committee. We copied that from a report which was published. It shows that a total of 782 houses were built on the reserves in Canada from welfare funds at a cost of \$1,072,487. If the figures provided are accurate they would indicate an average cost for each house of \$1,370. We took these figures from the information presented to you by Mr. Jones.

Mr. McQUILLAN: Mr. Chairman, we discussed those figures at the time.

The VICE-CHAIRMAN: Yes.

Mr. BEEBE: At our meetings of chief and council we have found that there are many complaints about our housing program. Houses were being built which sagged and there were a lot of troubles such as people breaking into them. So we have formed a housing committee amongst our council. I would like to ask Colonel Jones, if this committee is ignored by the inspector and by the superintendent where could we go with our complaint? I would like to have that made clear.

Mr. JONES: We have a regional office in Edmonton. Mr. Hunter is in charge. You know him very well. Are you asking what you should do if your building committee is ignored by the inspector and the superintendent?

Mr. BEEBE: Yes; if they come up with something that has to be refixed. You see when those houses are built the material is charged to the individual; so is mileage of trucks which are hauling, and every hour of work. We had a

complaint at the last meeting where a man said there were 18 men who came in to tear up forms on the concrete work. That poor man was paying about \$18.00 an hour to take up forms, and there is the mileage. At our council meeting we thought it was ridiculous. I have worked a little bit on carpentry work. I think it takes only 2 men and they could do just as good a job. Eighteen men would be crowded on a job. I am pretty sure two men could do just as much work.

Mr. JONES: Any time you feel that the superintendent is ignoring your band council in any way, get in touch with the regional office at Edmonton or get in touch with me in Ottawa.

Mr. GUNDLOCK: I think it might be of some assistance if they got in touch with their member of parliament sometimes.

Mrs. GORMAN: Yes. That is what I was thinking.

Chief SAMSON: In our housing program for Indians, Colonel Jones, how many reserves are covered by this housing program?

Mr. JONES: Offhand I would say that an attempt has been made to provide suitable housing on every reserve in Alberta. Some have moved faster than others. Right across Canada there are over 2,200 reserves and nearly 600 bands.

Chief SAMSON: Are some of those buildings built of logs?

Mr. JONES: It all depends on the area. In some areas they are built of squared logs. In some areas we put in portable saw-mills. There are excellent log houses built. It depends on the natural resources—the building materials—and what the Indians feel is the best house for their area.

Chief SAMSON: In some reserves are these houses repayable?

Mr. JONES: From band funds they are mostly repayable. In what we call welfare housing we do ask the maximum contribution by the person who is going to have possession of the house. We help.

Mr. HENDERSON: I think Mr. Gundlock made a good suggestion. If you have trouble write to your member. He will certainly look after it. I know that from experience. I have had different ones who have written me and I always get in touch with the Indian affairs branch, and I find them very cooperative. They get right down to it and the next day it is done.

The VICE-CHAIRMAN: Resolution No. 45.

Mrs. GORMAN: This is a very simple resolution and should explain itself:

Be it resolved that the government of Canada establish at its own expense, wherever physically possible, a pay telephone on each Indian reserve, suitably housed, and located at a site approved by the band council.

I am advised that the tribes located east and west of Edmonton—and that is not in the far north—do not have a single phone of any sort on most of the reserves. There is no agent there and no phone at all. This is serious. The Indians would be prepared to pay for the use of a telephone. Mr. Jones has said they should get in contact with the superintendent who is in Edmonton. In many cases that is a long way off. A phone is almost essential. They are willing to pay for the telephone, but they would like the company to put one phone, at least, on each reserve.

Senator SMITH (*Kamloops*): Does this apply where telephone lines are available?

Mrs. GORMAN: Yes. At Grand Prairie there is not a single phone which can be used on nearby reserves.

Senator SMITH (*Kamloops*): There must be numerous reserves where it would be a very costly matter to put in lines.

Mrs. GORMAN: The Indians understand that. However, where there are phones in an adjacent area they would like the government to establish a phone. The only Indians I know who have phones are at Hobbema and a few at Sarcee. At Sarcee the teacher allowed them to use the phone in his house.

Mr. McQUILLAN: Why do you say at government expense? Are these telephone companies not willing to establish these?

Mrs. GORMAN: They would if you approve them.

Mr. McQUILLAN: Why does the band not approve them? I think they should take a little responsibility on their own.

Mrs. GORMAN: The phones usually are used to phone an agent.

Mr. McQUILLAN: But there would be no cost attached to it.

Mrs. GORMAN: I would say a quarter of the bands in Alberta do not have funds at all.

Mr. McQUILLAN: What funds would be required to have a telephone company establish a telephone?

Mrs. GORMAN: They will not establish them. They would have to be asked by the government.

Mr. GUNDLOCK: In Alberta actually the telephone companies are owned by the users.

Senator MacDONALD: In other words it is a government telephone.

Mrs. GORMAN: We are asking the government to arrange somehow that a phone be there. The Indians are willing to pay for the phone.

Mr. GUNDLOCK: In other words the company would have to furnish the line and everything else in the reserve.

Mrs. GORMAN: They will not do it.

Mr. THOMAS: Could we have a comment on this from Colonel Jones.

Mr. JONES: We have telephone lines on most of our reserves for administrative purposes. I see no stumbling block to any band of Indians which want a phone of its own. Many of them do have phones on their reserves. It is a question of the department asking on behalf of the band to have a phone and the band will pay for the installation, that can be done; but the department only pays for administrative telephones.

The VICE-CHAIRMAN: Would the telephone companies not in most cases put a pay phone on the reserve, the same as they do any place else?

Mr. JONES: I see no reason why they would not. We will explore that.

Mrs. GORMAN: That is what we are asking, that it be investigated. At the present moment the agent for Morley and for Sarcee lives in Calgary. Morley is 60 miles from Calgary and Sarcee is 16 miles. As you know in the west even in order to sell your products you have to have agents consent. This creates a great difficulty. There is a lack of communication and it could be serious if there were an epidemic or a fire.

Mr. HENDERSON: I can understand the problem. I am half a mile off the phone line and they have been promising and promising me a phone. At Dawson Creek you would see in the newspaper they have said that even the member does not have a phone. I am in the same class as the Indians.

The VICE-CHAIRMAN: Resolution No. 46.

Mrs. GORMAN: This resolution has to do with loans from the farm assistance and assignment:

46. Be it resolved that the contract for repayment of money advanced to Indians out of band funds and known as "Farm Assistance and Assignment" be amended as follows:

That paragraph 3 provide for the authorization of the superintendent of each Indian reserve to retain out of the borrower's share of any funds to which the borrower may be entitled from capital or revenue money, a sum limited to two-thirds share of said fund due the borrower from time to time and not the whole of the said monies as is now provided for in paragraph 3 at the bottom of the said form.

We do not have the form with us. The chief brought it, but on our first day here we laid things down and somehow it disappeared. I think Colonel Jones would have the form. At present if they owe money, under the loan there is a charge against everything they have. This stops some young persons getting ahead. In our law we have all sorts of provisions which protect people and allow them to hold enough for the next year, at least to get seed. The Indians are asking that there be a charge of only two-thirds of the amount, so that the Indian may have an opportunity to get going on the farm project.

Mr. BEEBE: Last year we had a letter from the regional office saying that this would be tried. So it is coming in this year on a trial basis. On any loan that is obtained from the band funds, in order to encourage these boys farming and using band fund money to operate, we think they should be allowed a little money for their upkeep. In the past it has gone this far, that where a borrower has borrowed \$1,000 and produces 2,000 bushels of grain, the first sale he makes of that grain goes to that \$1,000 loan until that \$1,000 is repaid. There is no interest on it but it has to be paid. Another thing which is common now and is getting worse is that what the Indian produces goes toward the debt. Say that he earns \$1,000 and has a \$1,500 loan, naturally he is going to think "I am losing all this and I am not getting paid for all the work I have done". He goes around and takes some of that grain and runs across the reserve line and sells it to some feeder for half price. If he has a chance to keep one-third he will work harder and he is going to be more interested in his farm. He will see that the farm is kept up and is farmed right. I think on the reserves where the farms are good that by this system it will encourage our boys.

This is being approved by the regional office at Edmonton and will be worked this year. I would like to stress this, because we think it will help the problem we have on the reserve.

Mr. GUNDLOCK: I am not quite clear on this. Is this a government regulation or is it the band regulation?

Mrs. GORMAN: It is a government regulation regarding the loan of their own funds. They feel it is too severe and that it is not encouraging our young people to farm.

Mr. THOMAS: Some years ago I know that the share of a crop which a creditor in the province of Alberta could take was limited legally to one-third. Possibly the Indians' counsel could tell us if that still applies.

Mrs. GORMAN: I do not practise law, sir, but I farm. I know you certainly can hold back quite a bit. Under these regulations the Indians could not hold back anything at all, not even seed. They are asking for a relaxation of that.

Mr. THOMAS: From experience over many years it has been found it is impossible to take from the producer more than one-third of his crop and still leave him in a position to carry on. That was recognized and legislation was put in effect covering that.

The JOINT CHAIRMAN (*Senator Gladstone*): We have had meetings on the reserve about this matter. We asked that two-thirds be taken and that we retain one-third. I thought that was a very generous thing for those who owed money to offer. That was not carried out. This has caused the bootlegging of grain. I know this from my own experience because I was at these meetings.

Mr. JONES: I am glad the delegation has raised this. It is one of the most serious problems affecting the bands in Alberta and our administration. This loaning of band funds I think has been with the very best intentions, to encourage agriculture. There has been, however, a reluctance to collect back this money. Each year we have meetings with the bands. We call them agricultural meetings. At these meetings advice is asked as to how collections can best be handled. This is one of the matters we asked the different bands to consider. We will go along with your recommendation; but, there is a lot of money which has been loaned by the Alberta bands. This situation is pretty well peculiar to Alberta. There is difficulty in collecting. We all know that in a poor year the chances of collecting are very slim.

As Mr. Thomas says, there is a limit to how much can be taken each year. However, at our request, the council considers what would be a workable arrangement.

Senator SMITH: At what level is the application and approval for these advances made? Are they handled in Alberta by the central office of the department at Edmonton?

The VICE-CHAIRMAN: I will let Colonel Jones answer your question.

Mr. JONES: By the band council.

Mr. R. F. Battle, who was our regional supervisor, but who is now chief of our economic development division in Ottawa, is here today. He is very familiar with this whole debt problem in Alberta.

I would ask Mr. Battle to say a few words on this subject.

Mr. R. F. BATTLE (*Chief, Economic Development Division, Indian Affairs Branch*): This has been a very serious problem in the province of Alberta.

The amount of debt advanced, in order to stimulate the development of agriculture on reserves, has been increasing each year, and the collections have not kept pace with the advances.

In order to deal with the problem, we brought together five years ago members of the field staff and representatives of the Indian bands in the areas affected. It was called an agricultural conference.

In addition to the debt problem, there were other problems affecting agriculture. There was weed infestation, lack of development of lands, and so on.

Each year we kept minutes. These were maintained by Indians, who held the positions of secretaries and chairman of the conference.

These minutes contain all the problems with which we came to grips, and the remedies suggested.

One of the remedies suggested was that we bring into use a farming assistance form—an application for farming assistance form, which would have two purposes: first, to enable the superintendent and the council to bring about a satisfactory collection policy and, secondly, to have the farming applicant participate in the planning that was necessary in order to carry on his activities. In other words, he decided in the winter how much credit he was going to need in the coming year, and he discussed this with the farming assistant, and made out his application form. These applications are approved this way. The applicants appear before a committee of council, which is called a credit committee. Each one is considered on its merits and the council, along with the advice given by the superintendent, decides whether or not the credit will be advanced, reduced, or what amount will be taken. The amount to cover the advance or credit is provided in the annual band budget, which Mrs. Gorman discussed the other day. Later on, at one of the Indian associations meetings, the Blood local proposed the farming assistance form, to bring about this one-third—two-thirds distribution of proceeds.

We considered this suggestion and, later on I, as regional supervisor, wrote to each chief of the bands concerned, saying that we were prepared to go along with the idea, and to give it a try. However, we need the authority of the councils concerned, because they have authority to budget and spend band funds.

That is the state it was at when I left. We were awaiting approval of all the councils concerned.

Mr. BEEBE: Have you a copy of the form with you?

Mr. BATTLE: No, I have not. But I can get one.

Mrs. GORMAN: Mr. Battle, this is Indian money with which we are dealing—Indian money, which was raised either by the sale of their lands, or the produce from their lands, which they are loaning to their own people. Is that not correct? Am I correct in saying they need the final consent of the department for this? The band can decide, but it needs the final consent of the department.

Mr. BATTLE: The consent of the department is required, in the initial phase, because the budget is drafted by the council. It comes to Ottawa, and receives the approval of the department, and goes back to the region. From then on it is in the hands of the superintendent and council. In the first stage, it requires the approval of the minister.

Mrs. GORMAN: That is what I wished to establish.

Mr. GUNDLOCK: Mr. Chairman, I would like to revert to the same question I asked a while ago. I thought I heard it straight, but now I am confused. Is this a government regulation or a band regulation?

Mrs. GORMAN: A government regulation.

Chief SAMSON: The form was drawn up by the government.

Mr. GUNDLOCK: The actual regulation is a government regulation? Is that correct, Colonel Jones?

Mr. JONES: It is a form we devised.

Mr. GUNDLOCK: But is that whole payment, rather than the two-thirds payment, a government or a band regulation?

Mr. JONES: I would say it would be a band regulation.

Mr. GUNDLOCK: A while ago I was told it was a government regulation.

Chief SAMSON: It is a government regulation.

Mr. JONES: It would have a government connotation, because our branch operates as a trustee, and anything the bands do, we have to endorse and, possibly, put the machinery into motion.

Mr. GUNDLOCK: I would just like a yes or no answer to my question. Is it government regulation or a band regulation?

Mr. JONES: Let us call it an administrative procedure.

Senator HORNER: I think the question is whether it is on the recommendation of the band council, or government.

Mr. JONES: We have been trying to get unanimity of agreement amongst the bands as to how the money should be loaned and how it should be repaid.

This form was drafted as a result of one of these meetings. I asked the agriculture committees to give us their best advice on how this should work.

We go along with their recommendations.

Mr. GUNDLOCK: But, in the brief here, you are asking for a change in the farming assistance and assignment. Is that an act? Is it part of the Indian Act?

Mr. BEEBE: May I read the form? It is here.

The VICE-CHAIRMAN: Yes.

Mr. BEEBE: It reads as follows:

1. I understand that any funds advanced to me for the above mentioned purposes will come from capital or revenue moneys of the band to which I belong.
2. I hereby agree that all moneys so advanced shall be repaid on or before the day of 19.....
3. I hereby authorize the superintendent of the Indian agency, at any time before or after default in repayment of said moneys, to liquidate my indebtedness from any funds to which I may be entitled from capital or revenue money of said band or from the proceeds of the sale of any livestock or grain belonging to me or from rentals to which I am entitled or from any other moneys which may become due and payable to me from any source whatever.

Mr. GUNDLOCK: That is actually a contract form.

Mrs. GORMAN: With the department.

Mr. GUNDLOCK: Well, that is the answer; it is with the department. That is a contract. It constitutes a contract with the department. It must be a departmental regulation.

Mr. JONES: It is a departmental form that is being used to administer band loans in Alberta.

Mr. GUNDLOCK: It may be a form, but it constitutes a contract.

Mr. McQUILLAN: I think, perhaps, there is some confusion—or, at least, there is in my mind.

I gathered, from what Colonel Jones said, that where the bands decide on a certain policy, the department has been asked to implement that policy, and to protect their band funds, through their form of collection and percentage of collection. It has been done at the will of the band, if I am not mistaken.

CHIEF SAMSON: I have a point to bring up on this question.

This form was introduced to us at our agriculture conference. It was not agreed to at our band council. It was just introduced at our agriculture conference. First, it started at the south, and then we are having them in our reserve. However, once we sign that form, we are giving the Indian agent the authority to collect every cent that we earn, to pay our debt. We are not opposed to paying our debts. We are asking to retain a share of our earnings so we can support our family from that income.

Mr. McQUILLAN: That has been agreed to, in principle; but do you not wish the department to take some responsibility in collecting these loans, thereby protecting your band funds?

Mr. BEEBE: Through the form, we are allowed two-thirds.

Senator HORNER: You are allowed to keep two-thirds?

Mr. BEEBE: We are allowed to let them collect two-thirds, and for us to keep one-third for our keep. That is on request.

Senator HORNER: I think it should be one-third that you give each year. That is all you can give.

Mr. BEEBE: No, two-thirds.

Mrs. GORMAN: They are willing to give two-thirds.

The VICE-CHAIRMAN: Gentlemen, please let us have one speaker at a time, and thus enable the reporter to get the notes down. It is very difficult when several people are speaking at the same time.

Mrs. GORMAN: They are agreeable to the two-thirds. Having had to pay it all, they think it would be quite a wonderful deal to pay two-thirds now—and this was voted on by the majority of tribes.

The VICE-CHAIRMAN: As I understand it, the department has agreed to this, but you are acting as a trustee of those funds, for the benefit of the Indian band.

Mr. JONES: The more action the band councils will take in this the better. It is a difficult problem. It is a matter of the bands dealing with their own money and becoming sufficiently tough, when it comes to collection.

We will be glad to take their suggestion.

Mrs. GORMAN: We have a resolution on this.

Mr. JONES: We seek their advice every year as to how this can be handled efficiently. However, we cannot duck our responsibilities as administrators.

Mr. GUNDLOCK: That seems like a very tough contract.

Mrs. GORMAN: We have a resolution further on regarding loans, in regard to the manner in which we think they could be made.

Mr. THOMAS: Might I ask the chief a question concerning the administration of this fund?

When Indians have made loans from the band fund, has it been the custom of the Indian agent to take all their earnings to repay the loan, or does he take a part and leave a part for the Indian?

Chief SAMSON: So far as I have experienced, the Indian agents have taken all.

Well, I will explain, to start with. You see, we, on this quota business of selling grain, the first three bushels are called a unit. We are not talking about that because that money is for harvesting the grain. But, in the quotas—like, we have a one-bushel quota, and you have, let us say, 200 or 300 acres, and you sell two or three bushels. Well, if you have 300 bushels, you put 200 to your debt, and 100 to your take. However, at present, they will take the 300. It is just this last year that they have come down to try the system for which we have been asking, and according to what Mr. Battle mentioned. However, we have not seen it yet. They promised that the system would start with this year's crop. I think that this borrower, if he sees that he is getting a few dollars along the way, will know that he is getting little, and he is going to work that much harder and be more interested in his farm. I know the boys; they work hard, and I think they will make faster and quicker repayments than what they are doing now. They could gain the one-third they are getting by just working harder.

The VICE-CHAIRMAN: Ladies and gentlemen, I think Colonel Jones has indicated that they are willing to go along with this idea. That is all the band is requesting at the moment, is it not?

Senator HORNER: You are asking for a one-third payment, instead of a two-third payment?

Mrs. GORMAN: No, for a two-third payment, instead of as it was previously.

The VICE-CHAIRMAN: That is their request, and Colonel Jones has indicated that the department will go along with them in this scheme.

Can we proceed to the next resolution?

Mrs. GORMAN: The next group concerns employment.

The VICE-CHAIRMAN: The resolutions on "Employment" are found at page 53.

Mrs. GORMAN: Mr. Chairman, the Indians realize that, if they are to become self-supporting, employment is a very important subject to them.

May I read a bit before I get into the resolution? The resolutions are grouped together. If I could analyze it first, it would be of assistance.

The VICE-CHAIRMAN: I must point out that we have eighteen minutes left, and it would be appreciated if we could finish this. The committee members all have the material.

Mrs. GORMAN: I think this would help explain it.

Since the organization of this association in 1944, we have been aware that one of the basic problems facing our people has been the lack of employment. When 43 per cent of our people in Alberta receive some form of relief each year, it is obvious that employment is a constant source of concern.

In an effort to obtain more information on this subject, the association circulated questionnaires to all the reserves in Alberta. (Note: These have been submitted as evidence.) The information, as provided by chiefs, councillors and other interested Indians, was quite shocking, although not unexpected. The figures from the replies received, indicate only a relatively small number of persons permanently employed on their reserves. Most of these are in agriculture or are employed by the band as school bus drivers, road graders, stenographers, and so on. Some are also engaged in trapping but practically none can make a living solely from this occupation with the present depressed state of the raw fur industry. The remainder eke out an existence through temporary work or exist through relief payments.

We believe that a great many opportunities for employment and for the establishment of small industries exist upon our reserves. However, no comprehensive survey has been made and no general policy has ever been introduced to encourage the greater development of our reserves.

We recommend that encouragement and financial assistance be given to assist in the introduction of small Indian-operated business to our reserves. We feel that, if properly guided, we could have our own logging and lumbering enterprises, mink ranches, tourist shops, garages, barber shops, and other forms of business.

Greater employment could also be provided for our people by introducing regulations which would require any firms leasing timber, minerals or land on our reserves to give preference to Indian labor at all times. There have been numerous cases where timber operators and others have employed non-Indian labor while working on our reserves.

Another field on our reserves where more of our people might be employed is in the government service. We realize that at the present time the government gives preference to Indians who qualify for positions in the Indian Affairs Branch. However, we feel that this might be broadened to give information and encouragement to younger people so that they can train specifically for such positions. The prestige of having Indians in responsible positions on our reserves would do much to encourage our people. It would show the younger people the advantages of proper training and would be a concrete example for others to follow. We hope that the day will come when the entire Indian Affairs Branch will be made up of Indian employees.

The employment situation in some areas requires a most detailed study. This is particularly true in the north, where our people have lived for generations by hunting and trapping. Now that the prices for furs have become depressed and big game in some areas is insufficient for providing food, many of us are in dire poverty. There does not seem to be any solution to our problem if everything is left the way it is now.

We feel that the whole problem of employment should be dealt with from the time children enter school until they are successfully placed in jobs. Guidance officers should visit Indian pupils in their schools and give them

individual attention to determine their interests and aptitudes. Files on each pupil should be started at this time and maintained throughout the person's whole career, as a guide in placing him in jobs and recording his progress.

When children leave school, the placement officers should do everything in their power to encourage them to follow the vocations to which they are most adapted and to provide assistance in locating jobs for them. Those who show particular interest and ability should be encouraged to enter university and to enter such professions as teaching, medicine, nursing, etc.

We feel at the present time that the amount of attention given to such placement is very small. One or two placement officers cannot be expected to provide individual attention to all our young people, yet this is what they are trying to do. The results can be seen in figures provided by the government. In the 1958-59 year in Alberta, only thirty-four Indians were receiving provincial and vocational training. This included seven who were on the job training in industry, six as stenographers, five as nursing aides, four as commercial artists, four in secretarial work, two in nursing, and one each in clerical work and as recreational supervisor. During that same period, only nineteen pupils were in grade 12, and thirty-eight in grade 11. From a population of 18,525 Indians, this would appear to be an extremely small percentage who are being prepared for future vocations.

If an intelligent educational and vocational program had been adopted many years ago, we could have our young people trained so that they could compete in this modern world. Probably it is already too late for some, but we want you to consider our future generations and to give them the kind of encouragement, training and assistance which will make them capable of obtaining gainful employment.

For that reason, we are asking that the government undertake a comprehensive plan to educate and train our people for employment on and away from our reserves.

I would like to add that when we submitted our first brief to you last year, this resolution—that the government undertake a comprehensive plan to educate and train our people for employment on and away from our reserves, was endorsed by 23 white societies in Alberta. We all recognize the great need for improvement.

May I swing over now to the resolutions.

The VICE-CHAIRMAN: Yes, they are at page 53.

Mrs. GORMAN: Resolution No. 47(1)—to undertake a competent study of the human or natural resources of the reserves with a view to their greater use and productivity.

I think I explained that in my introduction.

Resolution No. 47(2)—to undertake a comprehensive plan to educate and train Indians so that they may be employed on or off the reserve.

There is a dual field there.

Resolution No. 47(3)—to provide more assistance in placing Indians in jobs in the fields in which they are trained.

Too often on our reserves, a boy will work his way through a technical school. For instance, he will take a diesel course. However, no job will be found for him, because he is an Indian. He will return to the reserve, where he will do nothing. This discourages the young people coming along.

Resolution No. 47(4)—to watch and record the careers of Indians who are properly educated.

We feel there must be a follow-through process here. It has always stopped a little short.

Resolution No. 47(5)—to place more Indians in government jobs on their reserves.

I would like to say here that we do recognize, at the present time, the government are attempting to do this. We are not criticizing Mr. Jones' department for this, but are saying that a new plan must be undertaken so more can be placed in these jobs, and more can be prepared to be placed in these jobs.

Resolution No. 47(6)—to encourage the introduction of small industries on the reserves, such as garages, barber shops, lumber mills, mink ranches, tourist shops, and so on, operated by Indians.

The idea here is that the government would undertake the establishment of these organizations. The Indians want to receive help in establishing them. However, once they are established, possibly the individual Indian or tribe could buy it back.

In British Columbia, they did a survey and tests on their Indians. They found Indians are better mechanics than non Indians. And, Indians have to have cars for transportation. If you look in the appendix, you will notice there is not a single operated garage on a reserve in Alberta. It is a great tragedy. It would help them a great deal. Similarly, in barbers' shops: it would keep the reserves much healthier, and would give them more pride. No. 7:

To require any firms leasing timber, minerals or land on Indian reserves to give preference to Indian labour.

At the present moment that is sometimes done, but it is not always done. There is a great difference of feeling in this regard towards Indians. Some of them said, "On our reserves it is Indian labour"; but in other reserves it is not. We want uniformity there: we want it to be Indian labour.

Mr. McQUILLAN: You want it to be all-Indian labour?

Mrs. GORMAN: No, that would be impossible; there would have to be supervision. We want Indian labour where there are Indians available and trained for that position.

Mr. McQUILLAN: Because you must remember that the policy of the Indian department—and I think the Indians agree with this—is that whenever they do sell resources from Indian reserves, they should sell them at the highest possible price. Therefore, they must not be restricted to the use of anything but the best possible labour.

Mrs. GORMAN: We feel it would be a greater benefit to the Indians if they got perhaps a little lower price, the money is, usually actually spent on relief and welfare, and it would be better if the Indian were taught to earn his living. No. 8:

To undertake a study of the economic conditions in the areas where the traditional means of making a living (such as trapping) are no longer practical, with a view to providing alternate employment.

I think you gentlemen are aware of the terrible conditions at the Cold Lake reserve, where part of their reserve was sold as a bombing range and their trap lines removed. Those people have not been retrained in another occupation. Resolution 48:

48. Be it resolved that the I.A.A. urge upon the dominion government that they instruct the Indian affairs branch to give particular attention to the work of the placement officers who are already working among the Indians and particularly that they instruct these officers to keep a regular two-week record of their supervision of each Indian over at least a two-year period in order to make sure that he has a record of continual employment following training.

This is where I spoke about the young Indian who, at quite an effort, leaves the reserve. It is an effort: they have to leave their reserves and enter our world and take training. To do that, they have to leave their families.

Mr. MCQUILLAN: I am afraid, Mr. Chairman, Mrs. Gorman is advocating something that is not quite as simple as it may sound. The first thing you are going to run up against is the attitude of industrial unions. They object very, very strongly to that. I want to warn you about that.

Mrs. GORMAN: As I understand it, when the union brought their case in the court in Quebec, the judge was very critical and when the unions had barred Indians from the unions. There is an editorial in the scrapbook as to what the judge said on that matter. He said it must be remembered that Indians are people.

Mr. MCQUILLAN: I know from experience that unions object very, very strongly to that. They refer to it as a black list—records kept and furnished by employers to any agency, on the individual. I just point that out to you.

Mrs. GORMAN: This is a record to be kept by the placement officer. I deal with the disabled in Calgary, and I understand that the federal employee in the Department of Labour keeps a record there of placements. A record is kept of people, where they are placed in industry and how they progress. With regard to any of my persons in wheel-chairs, if I wish to go down there and see the employment record, I can see it. We feel that a similar record should be kept of these young Indian people when they go out into employment.

Mr. HENDERSON: Mrs. Gorman, the time is running out.

Mrs. GORMAN: I know. Resolution 49:

49. Whereas special courses have in many cases been set up for Indian pupils by schools such as the provincial institute in Calgary and the Olds school of agriculture.

Be it resolved that the I.A.A. urge upon the dominion government that they request such school authorities to issue certificates to Indian students on completion of such special courses.

These are not courses which give anybody a degree at all. They take two-month courses, short courses. It is often very difficult for an Indian to obtain employment or show he has any training. We feel that if they would simply issue them with a letter, or certificate, which states that they took such courses, it would aid them a great deal in getting employment and would encourage them to take the course so that they might have such a letter or certificate. Resolution 51:

51. Be it resolved that a new clause be added to sec. 64 (h) so that all requests for loans would be made to the consolidated fund rather than to band funds.

Furthermore that if any such applications are turned down by the consolidated fund, full details and reasons be provided to the band so that it may then consider making the loan from band funds.

Gentlemen, at the present time, if an Indian wishes a loan there are two sources he has. He can borrow it from his own band funds, if they have the money and if they are willing to loan it to him, and if the government gives its final approval; or, secondly, he can borrow from the consolidated fund which parliament set up to make loans to Indians so they might progress—and which I believe you doubled last year.

The tendency is, when an Indian applies for a loan, to refer him to his band fund, rather than the consolidated fund. The bands often make loans on pity, and frankly the band council, although they are efficient men, are not trained financiers at all. They are asked to decide on this loan.

The Indians' thinking is that when a loan is brought before them, an application for it should be sent to the consolidated fund. The department at that point could turn down that loan; but we feel that if they turn down the loan, they should present to the band council their written reasons for turning it down. For instance, they should state if the man is not a good risk and why, for financial reasons, they feel he is not a good risk. Then the band would have before them, when that individual applied for a loan, the business-man's reaction to whether or not the loan should be given. This would help administer loans on the reserves.

At present the band has to decide these things simply on its own. They do not have the staff nor the equipment to collect data on the man, so their feeling is that loans should be first requested from the consolidated fund. If the department turns down a loan from the consolidated fund, they should give the reason for so doing to the council, and then the council, if they chose to make a loan out of their own fund, would have financial advice as to how it should be done.

Senator HORNER: But surely the band council would have the greatest opportunity to judge as to the worthiness of a borrower?

Mrs. GORMAN: They do, sir but unfortunately they often judge the worthiness of the borrower on whether he has tried hard or has had a hard time. They are not a loan company and are not used to this.

Senator HORNER: I know; but they have the best opportunity to judge.

Mrs. GORMAN: They will still be given that opportunity. We are not cutting out that opportunity. We are just saying that we feel the department should give them its reason for turning down a loan out of the consolidated fund, so that this would serve as a guide to them. They need this financial guide.

If you are going to ask these men who are elected for two years to handle large sums of money, some provision has to be made to aid them in this, if it is to be done properly. The Indians themselves feel that this would be the logical way: Let us ask the government why they would not make the loan to this person, and we will investigate their reasons and then go ahead on our own.

The VICE-CHAIRMAN: Mrs. Gorman, I am afraid we are going to have to stop you now. It is five minutes from our time, and we have to go to the house. We have to make the decision as to the next meeting. Do you want to meet again this afternoon?

Senator MACDONALD: May I ask a question, Mr. Chairman?

The VICE-CHAIRMAN: Yes.

Senator MACDONALD: Could we finish this delegation this afternoon?

Mrs. GORMAN: Yes; there is only one more short section. There are only five resolutions left, hunting, trapping, fishing, and one general resolution.

The VICE-CHAIRMAN: Gerald Tail Feathers is here representing the Protestant group, Blood Indian reserve, Cardston. He travelled here at his own expense and wishes to be heard. He has paid his own expenses, and I think that in all fairness he should be heard. It was through a misunderstanding, of course, that he came; but even so, I think we should show him the courtesy of hearing him, now he has paid his expenses here.

Senator MACDONALD: By all means.

Mr. THOMAS: I move, Mr. Chairman, that we meet after orders of the day this afternoon.

The VICE-CHAIRMAN: The house is sitting this morning, and we do not need to wait until the orders of the day. We have the orders of the day at 11 o'clock.

Mr. GUNDLOCK: We could sit while the house is in session. While we are here and have a quorum, why cannot we not go ahead for a little while longer?

The VICE-CHAIRMAN: I cannot possibly stay here myself during orders of the day.

Mr. GUNDLOCK: We have a co-chairman here.

The VICE-CHAIRMAN: If Senator Gladstone would carry on, that is perfectly all right with me. I have to go at 11 o'clock. If everybody else will stay, you could continue, if that is your wish.

Mr. MUIR (*Cape Breton North and Victoria*): I would like to go into the house for the orders of the day.

Senator MACDONALD: I would be in favour of meeting again at 2 o'clock.

The VICE-CHAIRMAN: You only have 10 members here now. If one leaves—and I have to leave—that will leave you with 8.

Senator MACDONALD: Make it 2 o'clock.

Mr. GUNDLOCK: If we are going to accept this witness, could we not accept some of his expenses? I do not know what the procedure is.

Mr. THOMAS: I can say this, that if we start doing that—that is, paying expenses of people who come—without any authorization, we are surely setting a precedent.

The VICE-CHAIRMAN: This witness has not asked for his expenses to be paid. He is here, and willingly here, at his own expense, as I understand it.

Mr. THOMAS: I understand Mr. Gundlock suggested that his expenses be taken care of.

The VICE-CHAIRMAN: The committee has already decided as to what our policy will be on that, and we cannot very well vary from that now.

Mr. THOMAS: Could you state what the policy is?

The VICE-CHAIRMAN: It was read to the committee at the start. It is on the record of the committee. What is your wish, then, as to the next meeting? Do you wish to meet at 2 o'clock?

Mr. HENDERSON: 2 o'clock.

The VICE-CHAIRMAN: Two o'clock this afternoon, then. The committee is adjourned until 2 o'clock this afternoon. We will meet in this same room.

AFTERNOON SESSION

FRIDAY, May 13, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we will proceed. I will ask Mrs. Gorman to proceed with the resolutions, starting at resolution 52 on page 53.

Senator HORNER: Mr. Chairman, I would like to say a word or two. Just before we adjourned we were discussing this matter of loans. In the brief it was asked that, in spite of the band council, the department take on the responsibility. You claim some lack of—

Mrs. GORMAN: Financial advice.

Senator HORNER: Yes. I think that is very clever on your part; but after all, no one understands or knows the credit standing of a man better than the band council.

Mrs. GORMAN: That is agreed.

Senator HORNER: Suppose you do not accept them and pass on the final say-so to the department; if that loan is given and turns sour, then it can be said that it was recommended by the department. I do not think that is a fair request.

Mrs. GORMAN: No. This is the request; that when an Indian needs a loan he should first of all apply for the loan to the department out of the consolidated fund. If the department denies him that loan from the fund of a million, he would then turn to his band council. We believe that his band council should have the right to inquire of the department the reason why he was denied the loan.

Senator HORNER: That is quite all right; that is a different matter. I understood you to say in this brief that, even with band moneys being loaned, the department should assist.

Mrs. GORMAN: No. We are asking for assistance and advice in respect of the finances. They should be able to find out the reasons the loan had been turned down. They are not a finance company. It is very difficult for them. It is also very difficult because of family relations on the reserve. You realize these people have lived in a small area for a long time.

The JOINT CHAIRMAN (*Senator Gladstone*): For the benefit of the witnesses who have come a long distance, I wonder if Colonel Jones would tell us the purpose for which this consolidated fund was instituted? So far as I know, we never have had a chance to borrow from the consolidated fund on the reserve. The consolidated fund originally was \$300,000 and now has been raised to \$1 million. What is the purpose of it and to which reserves is it applicable?

Senator HORNER: And how much of it has been loaned?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes.

The VICE-CHAIRMAN: You would like to hear from Colonel Jones on that?

Senator HORNER: I would.

Mr. JONES: I shall read section 69 which outlines the purposes for which the loans can be made:

- (a) to make loans to bands, groups of Indians or individual Indians for the purpose of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, materials to be used in native handicrafts, any other equipment, and gasoline and other petroleum products, or for the making of repairs or the payment of wages, or for the clearing and breaking of land within reserves,
- (b) to expand or to lend money for the carrying out of cooperative projects on behalf of Indians, or
- (c) to provide for any other matter prescribed by the governor in council.

As Senator Gladstone has pointed out, this fund used to be \$350,000. Two or three years ago it was increased to \$1 million. What we call the revolving fund is an economic plan to loan money to Indians generally on a five-year basis, repayable one-fifth every year at five per cent, for purposes of earning a living. There never has been any definite exclusion in respect of loaning to individuals or groups of Indians belonging to wealthy bands; but when the fund was only \$350,000 it was felt that it should be used for the benefit of Indians who did not have any funds, because the Indians of some of the bands could borrow from their own large band funds. It was thought that this money should be used more or less to help the Indian in other parts of Canada to obtain loans, to help him better his economic circumstances.

There is nothing to prevent or bar any Indian from making an application under section 69 of the act to borrow money; but in practice it has been used more for the benefit of Indians without any band funds than to encourage Indians from the wealthier bands who already have funds available.

Senator HORNER: Have you the amount which has been loaned in each province?

Mr. JONES: This changes every month. Last year I tabled a statement which shows an amount of \$758,952.64.

Senator HORNER: That is for the whole of Canada.

Mr. JONES: Yes.

Senator HORNER: Do you not have it broken down by provinces?

Mr. JONES: Yes. These are the figures of July last year. In Alberta there were 9 loans for agriculture totalling \$7,920.00. Under miscellaneous there is one in the amount of \$150. There were 10 loans totalling \$8,070.

Mr. BEEBE: In what area in Alberta were those loans?

Mr. JONES: Saddle lake and Lesser Slave lake.

The VICE-CHAIRMAN: Mrs. Gorman, would you care to go on with resolution 62. We will reserve questions until Mrs. Gorman has completed and then come back and you may ask questions if you wish.

Mrs. GORMAN: Resolution 52:

52. Be it resolved that the government of Canada be urged to establish a revolving fund for the purpose of making loans to Indians gainfully employed away from their reserves.

At present the loan which Colonel Jones has told us about has been made to Indians in Alberta who are living on reserves. I am sure we all hope that the Indians who leave their reserves will become full fledged citizens of Canada and be completely integrated into our communities. At the present moment, under the enfranchisement section unless it is removed, it is impossible for them to get loans from a bank, loans under N.H.A., and many other forms of loans that you and I can get.

These young people have to leave the reserve and go into what is a very difficult world for them. I think it would be a wonderful thing if the government would set aside loans for those young people leaving the reserves, loans that they would pay back on their own, just as they do under the revolving fund that is used on the reserve. This would do a great deal to encourage young people.

The JOINT CHAIRMAN (*Senator Gladstone*): May I say a few words on this. This revolving fund that is in section 69 of the Indian Act applies to Indians living on Indian reserves. Inasmuch as the intention of the government is to integrate these people, in order to make life outside the reserve more attractive to Indians, in order that they can get the same facilities, they are asking for a revolving fund similar to that in section 69. This would give those who are living in cities or outside the reserves a chance, for instance, to get a loan from that fund to put down as the first payment on a house, if they are living in a city and they are eligible as far as their capabilities are concerned, and their standing at the bank is considered a good risk.

They ask that this fund be available to them to use; and, of course, when they use this fund to borrow money for the purposes of building a home, as long as the equity that they have in that home is safely guarded, the loaning concern would not be the loser through death or other means.

Senator HORNER: It would be right to say there, would it not, that they are entitled, the same as any other person, to a loan under the National Housing Act?

Mrs. GORMAN: They are not, at present.

The VICE-CHAIRMAN: They would be, if they were enfranchised?

Mrs. GORMAN: Yes they would be, if they were enfranchised; if you apply the enfranchisement sections.

Senator HORNER: They will be?

Mrs. GORMAN: They will be.

The JOINT CHAIRMAN (*Senator Gladstone*): You mean, enfranchisement. The right to vote does not give them that right?

Mrs. GORMAN: No.

The JOINT CHAIRMAN (*Senator Gladstone*): When they give up their reserve rights, then they are; but they should have this loan extended to them, so that they could live in the community, other than on a reserve, and in order that their life away from the reserve should be more attractive to them, in order to integrate.

Senator HORNER: That is quite right.

The VICE-CHAIRMAN: There is only one catch to that, Mr. Senator: How would there be any control over an Indian off the reserve, in the way of a loan? Who would administer the loan?

Mrs. GORMAN: The department, I presume, would have to administer it— whoever administers the revolving fund at the present time.

The VICE-CHAIRMAN: Have you anything to say, Colonel Jones?

Mr. JONES: Mr. Chairman, I thought I heard someone infer that an Indian off the reserve was not eligible for any assistance and could not borrow under the National Housing Act.

Mrs. GORMAN: That is correct.

Mr. JONES: I know of no such restriction. Anybody can apply for a loan under the National Housing Act.

Senator HORNER: Anybody, whether he is a citizen or not?

Mr. JONES: Yes.

Mrs. GORMAN: We have had cases where they did, and they were turned down because they were Indians.

Mr. JONES: Indians living off reserves?

Mrs. GORMAN: Yes, they were treaty Indians.

Mr. JONES: Perhaps it was not for that fact, but for some other reason.

The JOINT CHAIRMAN (*Senator Gladstone*): They are disqualified for the reason that they cannot put down the initial payment. They cannot pay the down payment.

Mr. JONES: That is not because they are Indians. I think we should perhaps keep the record straight on that, Mr. Chairman. Indians living off reserves are not barred in any way from the provisions of the National Housing Act.

But having said that, I think that study could be given, Mr. Chairman, to providing some resource, when all other sources have failed, for Indians off reserves. As you have said, it might be a problem to administer. We have difficulties enough administering on reserves, and when we get away into cities and towns, our administration gets that much thinner. But I think possibly a little thought could be given to establishing a re-establishment fund, on a long-term basis, which could be used, provided all other sources have been tried and are not available.

Senator HORNER: As far as you are concerned, you would rather it was outside your department entirely?

Mr. JONES: It would not make the slightest difference; but I think that if we are fighting the battle for the Indians, we want to make sure that they have access to national housing.

Senator HORNER: Of course.

Mr. JONES: And if federal or provincial assistance acts, and all other avenues, are closed, then I think there is possibly a point for some revolving fund on a low cost, long-term basis.

The JOINT CHAIRMAN (*Senator Gladstone*): The difficulty is, the first obstacle, and the only obstacle, as I see it, is that they have not got the security to put down to a bank or a national housing concern for the first down payment. That is the only difficulty. If that is granted to them, the rest of it, of course, could be deducted from their salary every month.

The VICE-CHAIRMAN: I am sure the committee will give very careful consideration to this when they are making up their recommendations. Do you want to start questioning on No. 47? Are there any questions on 47? 48? 49? 50?

I think that as far as 50 is concerned, the department is doing everything they can now, Mrs. Gorman, to employ Indians where it is at all possible.

Resolution 51? 52? We had a fairly full discussion on these items as we went along. Now we turn to page 57.

Mrs. GORMAN: May I stress one thing here, Mr. Chairman. I think the Indians always feel slightly bitter when either the government or the department talks about, shall we say, giving them aid, when this aid comes from their band funds.

We would like you to keep in mind that band funds are treaty payments, or come from the sale of goods that were given under treaty and were supplied by the Indians themselves. It is a case of paying out to the Indian their own money, not giving them money. This is money we gave them in payment for Canada, and they object to having to use it for welfare.

The JOINT CHAIRMAN (*Senator Gladstone*): Is that on 52?

Mrs. GORMAN: It is covering the whole employment situation. They object to having to use that money for members of their tribes who are indigent. They feel those tribes should have the same rights as a newcomer to Canada has, and it should not be held against them that their tribe has sold part of its inheritance and invested it. They should not be denied any welfare assistance, any employment assistance, on those grounds.

The VICE-CHAIRMAN: We will now proceed to page 57—resolutions on hunting, trapping and fishing.

Mrs. GORMAN: These resolutions are of special interest to our northern reserves and, if you notice in our appendix, where we sent out our questionnaires, you will find in the northern reserves employment is practically nil, and they are completely dependent on hunting and fishing. Even on our southern reserves, hunting and fishing is still a great supplement to their food allowance in the west. Of course, these are treaty rights. Not only are they treaty rights; they are treaty rights confirmed by courts of law.

Resolution No. 53:

Be it resolved that the proper authorities be asked to enforce our treaty rights to hunt without restrictions on lands open for that purpose to treaty Indians, whether these lands are under logging or other lease.

The treaty clearly states that the Indians can hunt on their own reserve for food, and on any unoccupied crown land. Their feeling is that unoccupied crown lands, or their own reserves, are leased out, let us say for haying, or for the purpose of cutting timber down, that they are technically unoccupied, and simply leased for the specific purpose of clearing off trees or the products of the land. They are asking that they be allowed to hunt, when such a lease is given in that area, and that the government,

when they give leases to land, will put in the lease itself that the Indians have that right, so there will not be a constant argument between the Indians and the lessee as to those rights.

Senator HORNER: I do not think there would be any doubt about that.

Mrs. GORMAN: As I understand it at present—and, of course, I only hear from my Indians—but they tell me. They say that in almost all those northern reserves they are not allowed to hunt on them, once a lease is given.

Senator HORNER: What do you say on that, Colonel Jones?

Mr. JONES: Well, in these individual cases, where leases are being approved on reserves for whites, we do not feel that anything else is necessary.

Could I read section 12 of the agreement, which transferred the natural resources to Alberta?

In order to secure to the Indians of the province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the province from time to time shall apply to the Indians within the boundaries thereof, provided however, that the said Indians shall have the right, which the province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied crown lands and on any other lands to which the said Indians may have a right of access.

That has been tested in the courts on one or two occasions, and the rights of the Indians have been upheld. We support the right, guaranteed to the Indians, to hunt and fish at all seasons of the year on their reserves or unoccupied crown lands. However, the last part of the sentence is interesting—and any other lands to which the said Indians may have a right of access.

Mrs. GORMAN: That is where the important part comes. When they give a lease, it does not provide for Indian access, you see. We are now asking that in any leases given that it be provided in the lease that the Indian is allowed to go in there to hunt for food.

Senator HORNER: I would think that would be the case, notwithstanding any proviso in the lease. It is still part of the reserve, and I think the Indian is perfectly free to continue to go in there for fishing and hunting purposes.

Mrs. GORMAN: I could not agree with you more.

My father took the leading case on this, in regard to their hunting rights. I think the Indians could sue and establish their rights in court, but we think it would be much more efficient if it were actually put in the leases themselves.

Senator HORNER: If they lease some of it for grain growing, it would be natural that they would not want to have people travelling across their crop.

Mrs. GORMAN: But we are referring to cases of grazing, or where they are taking hay or timber off. Now, we could have a lawsuit over every single one. However, that is a difficult way of approaching it, when it could be put in the lease.

The VICE-CHAIRMAN: Is there any mention made in leases now existing, in regard to these hunting and fishing rights?

Mr. JONES: You are speaking of what?

The VICE-CHAIRMAN: Leased land.

Mr. JONES: Crown lands other than Indian reserves?

Senator HORNER: Leased land on Indian reserves.

Mr. JONES: Of course, we do not control unoccupied crown land.

The VICE-CHAIRMAN: I am referring to just reservations that are leased.

Mr. JONES: Well, they are leased for grazing, farming and many other purposes. In those leases from the minister to the lessee we do not specify that Indians have any particular rights under the treaty; it is always understood.

The VICE-CHAIRMAN: In saying that, do you say they have the right of going on that property, when it is leased property? Are you saying they have the right of egress and ingress on that property?

Mr. JONES: If a certain part of a reserve, say 1,000 acres, is range, and is being used for grazing purposes, they would have those rights, provided quiet enjoyment is given to the white tenant, and that they close all the gates, and things of that nature. If that was the case, they would still have the right to hunt for food and fish on that leased land.

Mrs. GORMAN: What we want is that it be specifically stated in the lease.

Senator HORNER: You want a proviso, giving you that right?

Mr. JONES: We could put it in the Indian affairs lease.

Senator HORNER: I would think the band council would have to agree that they do not need these lands, and are willing to lease them.

The JOINT CHAIRMAN (*Senator Gladstone*): We are talking about unoccupied crown lands.

Mrs. GORMAN: In regard to unoccupied crown lands, we cannot discuss that only with the department of Indian affairs; we have to talk to the province as well.

The JOINT CHAIRMAN (*Senator Gladstone*): It is protected by the Indian Act.

Mr. JONES: I think we should clarify in our minds the difference between Indian reserves which, I think we all know, and thousands of square miles of provincial crown land, on which the Indians have a right of access.

If I may quote you an example, some years ago the federal government took over what is known to all the Alberta people—and it is a big tract of land in the northern part of Saskatchewan and Alberta—as the Cold Lake-Primrose Lake air weapon range. That was not Indian reserve, in any way, shape or form; but many Indians had been using that area in Saskatchewan and Alberta for trapping, hunting and fishing, both for the furs and sustenance. They had to vacate that land, and the legal opinion is that as from the day that was taken over for another purpose, the Indians right of access ceased. Up until that point, they had the right of access. They had been hunting, fishing and trapping. However, the moment that another authority took that land over for another purpose, the legal opinion was that the Indian no longer had the right of access.

The VICE-CHAIRMAN: When it became occupied.

Senator HORNER: And that applies to everyone, as well as the Indians.

Mr. JONES: Yes.

Senator HORNER: That was taken over for military purposes.

Mr. JONES: Yes.

Senator HORNER: So it applied to everyone?

Mr. JONES: Yes, but particularly Indians that had a right of access guaranteed in the natural resources transfer agreement—this right was taken away from them by another authority taking over that crown land?

Mrs. GORMAN: We are asking that if, in the future, such arrangements are made, if they are leased for a purpose, such as logging, where the Indians

can still go in and hunt—where they are taking a specific thing off the land, that you would provide in the lease that the Indian still has the right of access so that he would be protected?

The VICE-CHAIRMAN: Here again we are talking about two different things. The Indian department would have the right to do that on an Indian reserve.

Mrs. GORMAN: That is correct.

The VICE-CHAIRMAN: But they would have no right to do it on crown land, whether leased or not.

Mrs. GORMAN: Who would we have to see about it? We believed that we were in front of a parliamentary committee, and not just dealing with the Indian affairs department. Which part of the government would we have to see regarding a lease of crown land?

Mr. JONES: I should think it would be the provincial department of mines and forests.

Mrs. GORMAN: That is what I was trying to say. We would ask them what to do regarding this land. We are seeking to find who has the control of leases of Indians on unoccupied land, and we would ask them to put it in the lease.

Mr. JONES: We would be glad to bring this resolution to the attention of the proper authorities, Mr. Chairman.

The VICE-CHAIRMAN: Now, resolution 54.

Mrs. GORMAN:

54. Whereas the operation of the migratory bird regulations is contrary to treaty obligations assumed by the crown on our behalf.

Be it resolved that the operations of these regulations be suspended within the limits of Indian reserves.

Under the migratory bird regulations, as the Indians see it, the only thing alive they are allowed to hunt is the puffin, and none of them know what puffins are. But I would like to remind you that the treaty obligations were undertaken by the government before the migratory bird regulations were entered into, and that the regulations were improperly made because the government had already committed itself to the Indians that they would allow them to hunt at all times for food.

Then the government signed an agreement with the United States and Mexico under the migratory bird regulations but did not exempt the Indians from it. So we are asking now that the Indians should be made exempt from the operation of the migratory bird regulations in respect to hunting on their own reserves.

Senator HORNER: In certain instances it would be entirely for the Indian's own benefit that some care would be taken. For instance, I am sure that they would not shoot a whooping crane.

Mrs. GORMAN: No.

Senator HORNER: And there might be other rare birds.

Mrs. GORMAN: Resolution 56 has to do with conservation, and they discussed it then.

Chief SAMSON: Under the bird regulations we were given a circular letter through our Indian agency telling us that we were not allowed to kill ducks inside our reserves, and migratory birds of all kinds except black ducks and one other kind—I have forgotten what they were—perhaps it was the puffin. But it definitely stated in the circular letter that we were not allowed to kill anything inside our reserves, because the Canadian government and the United States congress made a treaty with Mexico supporting the migratory bird regulations which would bar Indians from hunting within their own reserves, for the purpose of conservation.

But I can assure you that we Indians never waste any wild life or any other game. You should see the nuisance grounds near our cities, where the white man has gone out hunting and has thrown away on the nuisance grounds piles and piles of game. Is that conservation? You will never see that in any Indian territories; you will never see any piles of ducks thrown away on an Indian reservation. They are all eaten up. Nothing is wasted.

Senator BOUCHER: Who sent out that circular letter? Where did you get it from?

Chief SAMSON: From the Department of Indian Affairs.

Mr. JONES: The Migratory Bird Convention Act applies on Indian reserves in Canada as well as outside Indian reserves, and as the chief said, it is based on a treaty signed with the United States and Mexico and it would require a revision of the whole Migratory Bird Convention between the three governments to change it.

So if the Indian agent informed the band members that they could not hunt, under the laws of the country, migratory birds on the reserves at any other season than that proclaimed by the provincial authorities he would be quite right in drawing that to the attention of the members of the band. He does not make that regulation. It is from a treaty signed by the government of Canada.

Senator HORNER: Does it apply throughout the United States to Indian reserves there?

Mr. JONES: Oh yes, it does.

The JOINT CHAIRMAN (*Senator Gladstone*): Have you any record showing where Indians have killed ducks and whatnot on their reserves just for the sport of killing?

Mr. JONES: No, we would not maintain records of that sort. But the Indian is well known as a conservationist. He has the right to hunt and fish for food. But that does not include migratory birds because of the convention signed by the government of Canada.

Mrs. GORMAN: For the record may we have the date when this treaty with Mexico and the United States was signed?

Mr. JONES: When was it?

Mrs. GORMAN: Yes.

Mr. JONES: I do not have it handy.

Mrs. GORMAN: It was clearly after the treaty had been given to the Indians, was it not?

Mr. JONES: I would say yes.

Mrs. GORMAN: That is what we are trying to explain. By treaty the government promised the Indians that they could hunt at all times. Yet since that time they have made a second treaty under which they have stopped them from hunting for food. So we are hoping that some effort will be made to change the act so that they can hunt for food as was originally promised to them, or as it was promised to them before the second treaty was entered into.

The JOINT CHAIRMAN (*Senator Gladstone*): It is not a treaty.

Mrs. GORMAN: It is a treaty with the United States and Mexico.

Senator HORNER (*Acadia*): I think, Senator Gladstone, others than the Indians kill for sport and waste fowl. You folks should be interested in reporting them, because there is a bag limit for everyone; and I know it is true that some men do not abide by that. In any case, you could report that, and I think it would be in your own interest to do so.

Senator BOUCHER: This migratory bird regulation, that is in conflict with the former treaty the Indians had?

The VICE-CHAIRMAN: Yes, that is right.

Senator BOUCHER: I think their demand is absolutely fair and just.

Mr. THOMAS: I suggest, Mr. Chairman, this is a matter we could well put on our agenda, for consideration when the committee submits its report. I think a thorough study should be made of this problem, because I feel particularly the Indians, on their reserves, should have the privilege of shooting for food at any time.

Mr. GUNDLOCK: Could I ask one short question, Mr. Chairman?

The VICE-CHAIRMAN: Yes, Mr. Gundlock?

Mr. GUNDLOCK: You have talked about the second treaty or agreement. Were the Indians consulted on this agreement, at the time?

Mrs. GORMAN: They did not know anything about it.

The JOINT CHAIRMAN (*Senator Gladstone*): Therefore there was no treaty.

Mrs. GORMAN: It is called a treaty.

Mr. JONES: A treaty or convention.

Mrs. GORMAN: As between the United States, Mexico and the Canadian government.

Mr. GUNDLOCK: But the Indians in Canada were not consulted at the time?

Mrs. GORMAN: No, they never knew until they got a circular saying "Stop hunting ducks".

Senator INMAN: I think each province had to agree separately to that.

The VICE-CHAIRMAN: I think so.

Mr. BEEBE: This was brought up years ago with the province of Alberta by the Indian association, and the answer was there was a treaty between those countries and they could not do anything about it.

The JOINT CHAIRMAN (*Senator Gladstone*): I am sure that will be given every consideration.

Chief SAMSON: The circular letter explained it was a treaty with the United States and with Mexico.

The VICE-CHAIRMAN: Resolution No. 55.

Mrs. GORMAN: Be it resolved that we be permitted to secure commercial licences for fishing in any lake in Alberta or Saskatchewan, and furthermore we ask that no concession be given to non-Indians, whether mink farmers or commercial fishermen, unless the same and equal privileges are extended to treaty Indians.

On the first part of this resolution—that we be permitted to secure commercial licences for fishing in any lake in Alberta or Saskatchewan—as I understand it, and I would like to consult with my Indian delegation on this, the Indians in northern Alberta, some times are denied commercial fishing licences because they fish at a lake that is beyond their reserve. They see the white man, who does not necessarily live near this lake either, given a fishing licence; and yet this is one of the ways by which the Indians could earn a living.

Senator INMAN: Mr. Chairman, why would they be refused?

Chief SAMSON: Because they did not live in a certain zone where the lake was opened. Those lakes in Alberta are divided into zones, and if you live outside that zone you cannot fish in the lake. Saddle lake, and Cold lake are having trouble, and they were not able to fish in Primrose lake because they were outside the zone.

The VICE-CHAIRMAN: You have white fishermen living outside the zones who fish there?

Mrs. GORMAN: They move into the area, which they can do. They temporarily move in.

Mr. GUNDLOCK: And pay an additional fee?

Mrs. GORMAN: I do not think the Indians are concerned over fees, but they are anxious to fish.

Chief SAMSON: They do not mind so much about fees, but they have been barred from fishing inside the zone, if they happen to live outside the zone where the fishing is going on.

Mr. GUNDLOCK: As I recall commercial fishing licences in Alberta, if I do not reside in a particular zone and want to fish in that zone, I have to pay a little higher fee, as a non-resident, but I am still able to fish there, which I have done.

Mrs. GORMAN: The whole difficulty with the Indian is that his residence is established by his reserve. On the second question which is contained in resolution 55, we ask that no concession be given to non-Indians whether mink farmers or commercial fishermen, unless the same and equal privileges are extended to treaty Indians.

As I understand it, this resolution came from the Drift Pile Indians who live around the lesser Slave lake. Around lesser Slave lake there are many white mink farmers who feed fish to their mink. They are allowed to use a net that has a much smaller mesh than the Indian is allowed to use. The result is that they are emptying the lake more rapidly than the Indians, who must use the net with the larger mesh.

Senator INMAN: Supposing an Indian was a mink rancher.

Mrs. GORMAN: He would be allowed to use the smaller net.

In our resolutions on employment, we suggested that serious consideration be given to undertaking the training of Indians in mink farming. In the meantime, for food purposes, they would like to be allowed the same privileges. Either the mink farmer gets the same net as the Indians; or the Indian gets the same net as the mink farmer. Is that correct?

Chief SAMSON: Where the Indians depend for their livelihood on fishing, hunting and trapping, they have to abide by the regulations of the provincial government. This particular regulation allows them only a 5½ inch mesh to fish for their livelihood. Where a mink ranch is allowed a small mesh of net to feed his animals the Indian is not allowed the same privileges to feed his family.

What we want is that the Indians, to feed their families, be allowed the same mesh as the mink ranchers are allowed.

Senator INMAN: That is fair enough.

Chief SAMSON: Instead of the white man having more privileges than the Indian. The Indian is hurt. It is not fair for the provincial government to allow them to use a smaller mesh to feed animals, and leave the Indians out of it for food purposes.

Mr. BALDWIN: Mr. Chairman, I have been down the lesser Slave lake on many occasions, and I think there is a lot of substance to what has been said here. However, I do not think the lake is being fished out; and during the last two or three years there have been fairly good catches. There are some 3 million pounds a year, I think, come out of the lake—half a million commercial fishing, and 2½ million come out as food for the mink which are raised along the south shore of the lake.

In recent years the lake has been restored to some extent; and I am not speaking as an expert, but from what I hear I am sure it would not greatly

damage the lake to permit Indians to have the same privileges as commercial fishermen and mink farmers who are on there.

The VICE-CHAIRMAN: Is there any difference in the kind of fish they are taking out for food or for commercial fishing?

Mr. BALDWIN: There is what they call the rough fish—tullibee—used for mink farming.

The VICE-CHAIRMAN: If they catch the other kind of fish and have the smaller net, do they have to throw them back in?

Mrs. GORMAN: I could not tell you about that.

Senator HORNER: That could be.

Mr. GUNDLOCK: The net will not divide them.

The VICE-CHAIRMAN: No, it would not divide them; but I was asking if they are allowed to take just the smaller net to catch a certain type of fish with which they are feeding their mink, do they have to throw back the bigger fish?

Mr. GUNDLOCK: You could not throw back the fish after you have netted it.

Chief SAMSON: I think the provincial regulations cover that.

The VICE-CHAIRMAN: Perhaps Colonel Jones can answer that.

Chief SAMSON: I would like to put in one more point if I may. We are not making this resolution specifically for that particular band. This is to cover all the Indians in Alberta, or in fact all across Canada. It has the same effect on them all across Canada.

The VICE-CHAIRMAN: Colonel Jones, have you an answer?

Mr. JONES: I am not sure. I think the conflict is between commercial and domestic fishing. As I understand it, the Indians are entitled to the same size of mesh to catch the coarse fish as the mink rancher is, but the difficulty seems to be in disposing of anything which has a commercial value.

The VICE-CHAIRMAN: Chief Samson claims they are not allowed the same size of net as the mink ranchers.

Chief SAMSON: We are not.

Mr. JONES: I believe Mr. Battle might answer.

Mr. BATTLE: This matter has been taken up with the deputy minister of the department of mines and forests in Alberta. He says that the Indians at Lesser Slave lake can use the same size of net as the mink ranchers to catch tullibee or other coarse fish for their own use in the prescribed areas. If the fish are for sale or if they go into commercial fishing they have to use 5½ inch mesh, the same as others.

Chief SAMSON: Is this in respect of the Driftpile band Indians?

Mr. BATTLE: Yes. We were only negotiating on behalf of the Driftpile band of Indians at that time.

Mrs. GORMAN: Chief Samson says this must apply to all Indians, and not just one group.

The VICE-CHAIRMAN: Resolution 56.

Mrs. GORMAN: Resolution 56:

56. Be it resolved that the federal government be urged to look into the whole question of hunting, trapping and fishing, with particular reference to our treaties, our economic dependence upon these occupations, and restrictive provincial and federal regulations.

We feel the federal and provincial governments should do everything possible to encourage the Indians to fish and hunt. We recommend that the federal government be urged to investigate the whole question of hunting, trapping

and fishing, with particular attention being given to our economic dependence upon these occupations, and the relationship of restrictive legislation to our treaties.

Finally, we must mention a situation which we often encounter. We have been accused by government officials and wildlife associations of poor conservation practices, and therefore they feel our participation in the fields of hunting, fishing and trapping should be limited. However, we need only to point out that the destruction of the great buffalo herds in the last century was done by white men. We had lived from, and lived with the buffalo for generations; yet the white people destroyed countless millions of these animals in a few years. Passenger pigeons, the whistling cranes and the trumpeter swans were also common in our land, but now they have all but disappeared. We would think that a general educational program dealing with this specific subject should be introduced, and that it apply to non-Indians as well as our own people. In other words they are asking you to consider certain measures be taken in respect of conservation against white people also.

The VICE-CHAIRMAN: Are there any questions on resolution 56?

Chief SAMSON: I would like to ask a question. Are we allowed to hunt beaver on a forest preserve?

Senator BOUCHER: Is that not a provincial matter?

Chief SAMSON: Or on unoccupied lands.

Mr. GUNDLOCK: Outside the reserve?

Chief SAMSON: Yes.

The VICE-CHAIRMAN: On unoccupied land?

Chief SAMSON: Yes.

Mr. BATTLE: I would say yes, provided you have a permit to take the required number of beaver. Do you mean just for food?

Chief SAMSON: Food or pelts.

Mr. BATTLE: Provided a permit was obtained from the local game officer.

Chief SAMSON: There is a forest reserve over west of Caravan and south of Rocky Mountain House. They have forest preserves right around that district. I would like to know if the Indians are allowed to take beaver out of there.

Mr. JONES: The provinces have control of all wildlife. You know that, chief.

Chief SAMSON: Yes.

Mr. JONES: I believe in that area there is a registered trapline system and you would have to conform to the regulations of the provincial department of game and fisheries.

Mrs. GORMAN: The Indians ask for permits, and when they are denied them they would like to know on what ground.

Senator HORNER: As I understand it in the provinces of Saskatchewan and Alberta sometimes the beaver become a nuisance on the prairies. They become so much a nuisance that sometimes they damage farm roads. In fact they asked the hunters to come in and take a number of beaver. In certain areas there is a surplus of beaver. It is possible to get a permit to take the beaver. You get your permits, I believe, from the provincial government in certain areas in Saskatchewan and Alberta.

Chief SAMSON: I have another question. How big a lake does it have to be before it is considered to be unoccupied? How big must it be before an Indian can go on it to take muskrats or beaver?

Mr. JONES: I do not think I could answer that.

The VICE-CHAIRMAN: Are you referring to a small unoccupied quarter of a section or a half section?

Chief SAMSON: I am referring to lakes.

Mrs. GORMAN: He wants the muskrat and the beaver which live in the lakes. Quite often the lake is said to be occupied. Indians are unable to determine which is an occupied and an unoccupied lake, and they would like a definition as to size.

Mr. GUNDLOCK: Does this stem from the same question as before, that the Indian under treaty would be allowed to hunt, fish and trap on his reserve; does that include unoccupied land and forest reserves.

Mrs. GORMAN: Unoccupied crown land.

Mr. GUNDLOCK: It is being interrupted now by provincial regulations. Is that the difficulty?

Mrs. GORMAN: Yes. They have had several law cases and the law seems clear that they are upholding the treaty, but it seems to the Indians that they have to establish each little thing by a law case. They would like to have clear regulations.

Chief SAMSON: We have several large lakes in Alberta where Indians could catch muskrats and beaver, but the white people will not allow us to go in there even though the lake is quite large. I am not complaining about these sloughs inside their private properties, but there are lakes which are quite large in size. For instance, take what they call the Samson lake, south-east of our reserve.

The VICE-CHAIRMAN: Is that on occupied crown land?

Chief SAMSON: It is occupied all the way round the lake by farmers.

The VICE-CHAIRMAN: It would not be crown land?

Chief SAMSON: That is what I would like to know.

The JOINT CHAIRMAN (*Senator Gladstone*): He means, how much of that lake have the Indians access to, where their reserve runs up into the lake.

The VICE-CHAIRMAN: Would that come under the Navigable Waters Act, Colonel Jones?

Mr. JONES: That is a most difficult question to answer Mr. Chairman, because that is controlled by the province, and we have no fur management agreements with the province of Alberta, such as we have with Saskatchewan, Manitoba and Ontario where we work as a team. We have not been able to get any dominion-provincial fur management agreement with Alberta.

Chief SAMSON: How much of the river is the Indian allowed to fish or trap?

The JOINT CHAIRMAN (*Senator Gladstone*): To own.

Chief SAMSON: To own.

Mr. JONES: How much is Indian?

Chief SAMSON: How much up the river is the Indian allowed to fish or trap, on a river running along the boundary of a reserve?

The JOINT CHAIRMAN (*Senator Gladstone*): For the information of the committee, our reserve is bounded by two rivers. What Chief Samson wants to know is, how much of the river belong to him.

Senator HORNER: The whole thing! They can take it and fish in it.

Mr. JONES: I cannot speak about the whole channel, Mr. Chairman, but it is generally noted as the high-water mark. I think local questions of that sort, concerning specific reserves and bodies of water, could be answered better by us in the citizenship building, with the files and maps. I could not answer that question here. We have all that data on the files and maps, and plans of the boundaries of Indian reserves.

The VICE-CHAIRMAN: It would be the centre of the river, would it not?

Senator HORNER: I think it would at least extend to the centre of the river.

Mr. GUNDLOCK: I rather hope so, because I own a little land the other side of the river, and I would like some water at high-water mark. When it is low, I have not got any.

Mr. BALDWIN: Mr. Chairman, I think it is fair to say that for some years in Alberta, there was complete prohibition against trapping beaver. That applied to whites as well as to Indians. Then that regulation was relaxed last year, I think, when the beaver population got to a stage where it could be done, and they did allow some licences to trap. But generally there has been a prohibition against anyone extending over 3, 4 or 5 years.

Chief SAMSON: Yes, and the beaver are just a nuisance there now.

Mr. BALDWIN: That is right, and they have opened it up occasionally.

Mr. JONES: Chief Samson will perhaps be interested to know that we have an item in our estimates for Alberta—and we have had the same item for years—of \$10,000. It is the only province in Canada. Under that item we pay, as a protection, for all registered trap lines of Indians in Alberta.

The VICE-CHAIRMAN: The government pays for all trap lines now held by the Indians in Alberta?

Mr. JONES: Yes, and we will buy any that we can get our hands on. That is the only province in which that is done.

The JOINT CHAIRMAN (*Senator Gladstone*): How many Indians are there who own trap lines in Alberta?

Mr. JONES: They are registered.

Mr. BATTLE: They are registered in the names of the Indians; but the Indian affairs branch is paying the registration fee.

Mr. JONES: They are registered by the province.

The VICE-CHAIRMAN: Are there any further questions on 56?

Mrs. GORMAN: Page 58. We have one last resolution which did not seem to fit into our other resolutions, so we placed it by itself:

Be it resolved that any revisions or amendments to the Indian act not be introduced to the House of Commons until they have been sent to all Indian bands and Indian organizations in Canada so they will have an opportunity to study and comment upon them.

This resolution, of course, was passed at our big meeting where we gathered together all the different tribes, which was held before the Indian was given the vote. The problem will not be so serious in the distant future, when the Indian does vote in some numbers. But until that time, the Indian would like to feel that before you altered their act, they would be given a chance to discuss it.

Another reason is this. A great many Indians do not receive newspapers, and so they do not know changes have been made in the act until it is too late for them to even protest, so they would appreciate it if they were notified.

Now we come to the conclusion. I hope you will keep in mind that this brief before you represents 18,600 Indians. We had some figures presented here that in the near future that would be 40,000 Indians. In effect, these are the newest citizens in Canada, because very shortly they will have the vote. This brief which we have placed before you is the united brief of a whole province. All the different tribes worked together on it. The problems they have presented to you are peculiar to treaty Indians who live on the plains. But any changes they have asked you to make in either the Indian act or in the policy regarding Indians will only affect Indians who do live under treaty on

the plains, and will not alter the status of other Canadian Indians who are either not under treaty and who do not have trust funds.

It should be clear to you that they desire to preserve their reserves. They wish to maintain the trust funds, and it is their wish to raise permanent standards of living on their reserves with trust funds, and not dissipate these on welfare. It is their wish, also, to have better conditions in health welfare, and, above all, in education and increased employment on the reserves until there is a level of living on the reserves equal to that of the surrounding communities.

They ask for measures of self-government in that they wish the opportunity to appeal the discretionary powers of the department to a court of law because it involves land and money that is often held in trust.

They wish you to know—and I think you must realize this from their brief—that they are trying very hard to improve their own conditions. This is not a begging brief at all; this is a brief saying, "We are trying to get ahead. There are fields in which you could cooperate with us. Help us in those fields".

I feel extremely grateful to you, ladies and gentlemen, for the wonderful attention you have given us. When we first arrived here, I think everyone felt we might have a morning. You have been more than generous, and I would like, personally, to thank you all; and I am sure the Indian delegates do also. There is one other thing I would like to mention. Our association, which represents all the tribes in Alberta, presented to you briefs on education from various tribes, requesting schools. The Anglican group of the Blood reserve have such a request regarding schools, and they have paid the way of a delegate down here. You have heard the brief submitted on behalf of the other tribes. We would appreciate it if you would also hear the brief from one of our Alberta tribes, which was not included in this brief.

The VICE-CHAIRMAN: I am sure, Mrs. Gorman, that on behalf of the committee, we appreciate you, Mr. Beebe and Chief Samson being here, and hearing your brief and your remarks pertaining to that brief. I can assure you that this committee will give every consideration to your brief and your remarks as on the record.

Mrs. GORMAN: Thank you.

Mr. BEEBE: Mr. Chairman, members of the committee, and staff of the Indian department, I surely thank you for the time you have given us to work with you on our problems.

We have spent a great deal of voluntary time, and spent our very needy money, to be able to prepare a brief that is suitable, and that will re-pay this committee their time and the money that they put in to our expenses for coming down here to sit with you.

When we first came in, I was disappointed. Time is precious to me, and to my friend, because we are just going to start farming in the spring work at our homes. However, we felt that this committee must hear the evidence direct from the Indians before making a decision. I think it is only proper that this committee must hear from the people whose future they are going to work on.

I am an Indian, and I know what the Indian wants. The Indian is a very peculiar people. They have a separate culture from you people. I thank the white people who are trying to help the Indian in a better way of living. There are a lot of white people who think they are doing the finest thing in the world to help Indians whereas, instead of that, they are hurting their feelings, for the simple reason that we, the Indians, were the first white men who ever put foot on this continent. I mean, when Christopher Columbus set his foot on this continent, he was met by an Indian. Was he not? Now,

you must see by that, if you could realize, and stop to reason out, that these people who were living on this continent when Christopher Columbus came over, were not savages. They were people, who were very cautious and suspicious people. They stood and watched, and they know that that person coming was not going to hurt them. They made friends, and guided him through this great continent, of which Christopher Columbus reported when he got back from where he started.

Now, we have an education that we live by before the white people came to this country—and that was generosity, respect, and to honour. There is an Almighty before us, the Great Spirit. This is the thinking and the education we live by, and I sure thank this committee for the time that they have stretched into three days in order to finish our brief, which we spent many months to try and gather together for you.

I hope you will consider the brief, when you are making your decisions. I hope also that you will consider our treaty that our forefathers and the great mother, Queen Victoria, made with the people of this country, because the Indian is part of Canada. Let him be free to have his own choice of life.

Mr. Chairman, I would like to allow the gentleman, who came down from Alberta, to read his short brief to you, and if there is any discussion to allow him.

The VICE-CHAIRMAN: Before hearing Gerald Tail Feathers, we have a wire here from another organization in Alberta. I would ask the Clerk of the Committee to read this to you.

The CLERK OF THE COMMITTEE: It is from the Edmonton friends of the Indians society, signed by Rita G. M. Rowan, secretary.

Our organization wishes to go on record supporting the Indian association of Alberta's submission concerning the need for hostels for Indian use attending school in the larger towns. May we also remind the committee of the three copies of our own brief mailed on December 29 and ask whether you wish us to send an additional fifty copies.

The VICE-CHAIRMAN: Gentlemen, we have with us Gerald Tail Feathers, a delegate for the Protestant group, Blood Indian reserve, Cardston, Alberta. We are going to ask Mr. Tail Feathers to read his brief.

We will allow you to question him after the brief is read.

Mr. GERALD TAIL FEATHERS (*Delegate for Protestant group, Blood Indian reserve, Cardston, Alberta*): Mr. Chairman, and members of the committee. These are resolutions to the government of Canada by the Protestants of Blood reserve, Cardston, Alberta.

1. Education.

Whereas the integrated school program of Indians attending the schools outside the reserves, is having beneficial results and

Whereas it is desirable to integrate all societies in Canada,

Be it resolved that integrated education start at grade one level wherever feasible, and

That there be a gradual removal of all classrooms in residential schools, to be replaced by van service to the nearest non-Indian school. These schools to be government assisted, to feature vocational training.

2. Where some Indians are not economically able to provide adequate clothing and adequate lunches for their children who attend integrated schools, and

Whereas we feel that this is one of the major factors that cause some opposition to integration, and

Whereas the children themselves feel inferior because of their economic status,

Be it resolved that the Indian affairs branch be asked to provide clothing and provisions for groceries or food, where there is a need. If this is already the policy of the government, it has not been realized on the Blood reserve.

3. Whereas the high school at Cardston will eventually fill to capacity,

Be it resolved that in addition to Cardston, the high schools at Lethbridge, Fort MacLeod and Calgary be opened to Blood Indian students.

4. Whereas some pupils of Blood reserve live within easy distance from the Cardston schools and

Whereas some of these children are now transported to St. Mary's school a distance away,

Be it resolved that some policy be established to avoid such confusion and that the integrated schools program be influenced and encouraged by the Department of Indian affairs, and that any policy be consistent with one religious denomination as with another.

5. Whereas, if integration is to be established and extended and that there is a need for better understanding on part of the non-Indian,

Be it resolved therefore, that an educational program be extended to enlighten the white communities on Indian life and problems and to make them receptive to program based on factual information and sound planning, designed to provide for the improvement and advancement of our Indians.

6. Enfranchisement:

We hereby request a guarantee for the maintenance of the reserve system; a higher standard of living and greater security can be secured outside the reserve, but some Indians are handicapped by reason of lack of education and while others are attached to it, for social and emotional reasons, a place to retire to.

7. This committee recommends that the van drivers be paid by the school division in which they work, so as to ensure them of prompt payment. The school board can then be reimbursed by the Indian affairs branch.

APPENDIX TO THE BRIEF

While this committee knows that the policy of the government is the integration of schools in Canada, we are therefore expressing our support to this program. The Roman Catholic church on the other hand seem to prefer a segregated school system. We feel that since the Indians live in a segregated society, it is of utmost importance that such a society, if they are to compete in the secular world, should be integrated. We would therefore recommend that Indian students of the Roman Catholic faith should attend separate schools of their faith in cities, at the high school level; in other words integrate with their segregated institutions.

This committee is of the opinion, that since a day school was built at Standoff, at the north end of the Blood Reserve, it was with the understanding that it be non-denominational. Unfortunately this has been taken over by the Roman Catholic teachers, who gave the impression to the Protestants that the school was for R. C.'s only, and that the requirements for entrance was to become a Roman Catholic. As a result our Protestants pupils were either forced to become R.C. or attend St. Paul's residential school. This discriminatory action has been most unfair. We therefore urge the government that there be a Protestant teacher at Standoff school, so as to increase the attendance of the Protestant children.

THE VICE-CHAIRMAN: Have you any further remarks you wish to make, Mr. Tail Feathers, or would you just like to answer questions at this time?

Do any members of the committee wish to ask Mr. Tail Feathers any questions regarding his brief?

MR. TAIL FEATHERS: I have had experience in a residential day school. I attended St. Paul's residential school as a resident pupil, boarding there; and after two years I got fed up with the system and I wanted to come as a day pupil. So I did that for the rest of the school term until I finished it. Then I went to Calgary and attended the schools there.

THE VICE-CHAIRMAN: You attended the regular city high school?

MR. TAIL FEATHERS: No, I attended the technical school.

THE VICE-CHAIRMAN: So you have first hand knowledge of the three systems?

MR. TAIL FEATHERS: Yes.

THE VICE-CHAIRMAN: Are there any questions?

MR. BALDWIN: Are you the young man who left the reservation and achieved some success as an artist?

MR. TAIL FEATHERS: That is right.

MR. BALDWIN: That was outside the reservation, and you returned to the reservation of your own free will?

MR. TAIL FEATHERS: Yes.

MR. BALDWIN: Did you return because you had antipathy to the kind of life you found outside the reservation, or did you return because of what you considered to be unfair or discriminatory treatment which you experienced outside?

MR. TAIL FEATHERS: No. The reason I returned has been discussed here. It had to do with section 112, the enfranchisement section.

MRS. GORMAN: He was afraid he would have to be enfranchised.

MR. HENDERSON: This young man stated what I have always believed. I am against denominational churches running schools. I have a lot of them in my district, and I do not believe it is a good thing.

I believe that integration is the only way to get ahead, and to go to a day school and mix with other people and with other religions. I have a very large school in my district which is run by the Roman Catholic fathers, and while they do their best, in my opinion, it is not good enough.

Senator HORNER: I have always been in favour of that. I have watched the other system, and I do not believe in it. Mr. Beebe mentioned that Indians always believed in the great spirit. I have always objected to their being called pagans at any time. They always had a belief—perhaps equal to mine—in a great spirit and in the hereafter, and in doing what was right by their fellowmen. They are great people to visit around. They are a very friendly people themselves. And when you put them in different schools and they meet on the way to those schools, there are argument which develop that are entirely unnecessary, and there are quarrels among the people.

So I think it is most desirable that they be placed in an integrated school of all denominations; and as I have said before, let the church work be carried on in the evenings, and on Saturdays and Sundays, with the various denominations.

So far as public school education is concerned, where the dominion government assists, it should be entirely a public school. That has always been my opinion, and I strongly support that attitude and that very belief.

Mr. TAIL FEATHERS: Yes.

The VICE-CHAIRMAN: Are there any other questions now?

Mr. GUNDLOCK: I have just one short question. You mentioned a day school that was built at Standoff. Did the department build that school?

Mr. TAIL FEATHERS: Yes, as far as I know, they did.

Mr. GUNDLOCK: And it was designated primarily as a non-denominational school?

Mr. TAIL FEATHERS: That was the intention. There are two schools there now.

Mr. GUNDLOCK: Are they for separate dominations, or are they both supposed to be the same thing, that is, non-denominational?

The VICE-CHAIRMAN: Are they both non-denominational now?

Senator HORNER: They are not being run that way.

Mr. TAIL FEATHERS: No. Two class rooms were added last year.

The VICE-CHAIRMAN: It is a non-denominational school, yet it is being operated as a denominational school?

Mr. GUNDLOCK: Why? Is it because of the lack of teachers? Why has that come about? Does the department know anything about it?

Mr. JONES: There was some dissatisfaction three or four years ago about the teaching of religious subjects during school hours, or during the day. We investigated it very carefully. And as we have not had any complaints recently, we thought that everything had settled down to normal.

Mr. GUNDLOCK: Are you aware of what Mr. Tail Feathers has just said here? Are you aware that that is what is happening, when it was strictly built as a non-denominational school, and when, in addition, there are two denominational schools, at present?

Mr. JONES: I think originally the intention was to have it non-denominational, but I think it developed that the majority of students attending were of one religious persuasion; and, as I said, there were some complaints about too much religion being injected into the curriculum. So we investigated it very carefully and we were under the impression in the branch,

in our education division, that the dissatisfaction had pretty well disappeared. It has not been brought to my attention recently.

The JOINT CHAIRMAN (*Senator Gladstone*): I suggest that this committee get in touch with Colonel Neary, who was the head of the educational branch in Alberta at that time, and who knew why and how this day school came into being. If you get in touch with him, I think he will supply all the information as to why and how that school was built.

Mr. HENDERSON: Personally I cannot understand it myself. I was on the school board at Dawson Creek for seven years, on non-denominational schools. In the town there are half-a-dozen big schools, and we have a Catholic school. If anybody wants to send their children to a Catholic school, okay; but our school was primarily non-denominational, Chinese and Ukrainian children, orthodox and all kinds.

I am speaking about the government of British Columbia, but I cannot see them taking a school that is built with public money and turning it over to any denomination.

The JOINT CHAIRMAN (*Senator Gladstone*): When the question was put to me, and there was a member of each denomination there with me, with the regional superintendent and also Colonel Neary, my answer, was that so long as the teacher was a qualified teacher I did not care what denomination he belonged to. That is my answer to that.

Mr. HENDERSON: Ordinarily, when you hire teachers you do not ask them what denomination they are—that is, with the schools I was concerned with. I think we have 181 teachers teaching in the Dawson Creek area.

The last year I was chairman they wanted to send over to us 60 Roman Catholic boys. The sisters were having trouble handling them, and we had some boys could really handle them. We said, "Sure, ship them over," and naturally they would come in because it was non-denominational. I cannot see the school being built and then turned over. I have a big Catholic school at Lower Post, and Father Laveck is in charge.

The JOINT CHAIRMAN (*Senator Gladstone*): This refers to day and not residential schools.

The VICE-CHAIRMAN: Are there any other questions on this?

Mr. GUNDLOCK: I think we should be a little clearer what we are talking about; and I am probably a little dense, but I wonder if Mr. Tail Feathers could explain, in a little more detail, about what happened at this school.

Mr. TAIL FEATHERS: There are two residential schools, one Protestant and Anglican, and the other Roman Catholic. This was the first day school on the blood reserve, and the intention was it was to be a non-denominational school.

Mr. GUNDLOCK: What has taken place, and what is the situation right now?

Mr. TAIL FEATHERS: The attendance right now is about 110, of which about 20, I would say, are Protestants and the rest are Roman Catholic. There are more Protestant families around there than that percentage.

Mr. GUNDLOCK: You say the Protestant children have been discouraged from attending the school?

Mr. TAIL FEATHERS: Yes. I have neighbours there who could be sending their children to the school, but they have sent them about 15 miles up to the residential school, whereas they would like to see them go to day school.

Senator HORNER: They are much nearer the school. The distance is not as great; it is not very far?

Mr. TAIL FEATHERS: The day school is a matter of two or three miles away.

Senator HORNER: And it is 15 miles away, where they are going now?

Mr. TAIL FEATHERS: They have to reside at the school?

The VICE-CHAIRMAN: It is a residential school, 15 miles away.

Mr. GUNDLOCK: Have they been refused admittance there?

Mr. TAIL FEATHERS: They have been having trouble because they want their kids at home.

The VICE-CHAIRMAN: Is there anything further now, gentlemen? If not, we could have a motion for the adjournment.

I would like to thank you, Mr. Tail Feathers, for coming down and giving us your brief and your personal knowledge of the situation. I am sure the committee will look into it very carefully.

Senator HORNER: It is a very noble effort on this young man's part.

The VICE-CHAIRMAN: Yes, to come down at your own expense to this committee.

Senator HORNER: Yes, I appreciate it very much.

The VICE-CHAIRMAN: The motion to adjourn?

Motion agreed to.

APPENDIX "D1"

BRIEF OF THE FRIENDS OF THE INDIANS SOCIETY OF EDMONTON,

December 3, 1959.

This Brief is divided into two major parts: (1) a series of resolutions made by the Indian Association of Alberta which our organization wishes to endorse, and (2) a number of our own recommendations. The 17 resolutions of the first section are subdivided into five resolutions areas, and the 27 resolutions of the second section are subdivided into ten such areas. In all, 44 recommendations are included in this Brief.

Section I.

We wish to back the following 17 resolutions which have been made repeatedly by the I.A.A. at their annual meetings (and which have been as regularly forwarded by them to the Indian Affairs Branch of the Federal Government):

(a) Re representation at joint conferences:

- (1) The I.A.A. represents the Indians of Alberta, having "locals" in most of the Alberta Reserves. As such, its representatives should be present at all conferences called between the Indian people and the Canadian Government.
- (2) Further, legal counsel and interpreters for the Indians should be present—and used—at all such conferences.

(b) Re legal aid and rights:

- (3) A lawyer accessible to Indians, to whom they may turn for unbiased advice concerning their rights as residents of the Province, should be located in local centers where the Indian people tend to congregate.
- (4) Every Indian should have the same right of appeal to higher courts as does every other Canadian citizen.

- (5) All Indians who were Treaty Indians or descendants of Treaty Indians at the time the revised Indian Act of 1951 came into force should be regarded from now on as Treaty Indians. Such persons should not be bribed, coerced or forced out of their Treaty status by any authority against their will.
- (6) If a member of a Band wishes to live outside his Reserve, he should not be prohibited from returning at any time to his Reserve.
- (c) Re revision of the Indian Act of 1951:
 - (7) Section 112 of the Act (regarding compulsory enfranchisement of a Band or of an individual) should be removed.
- (d) Re a "status survey" of Alberta Reserves:
 - (8) A competent and thorough study of the natural and the human resources of each Reserve should be made by a qualified research group composed of agriculturists, educators and sociologists.
- (e) We also wish to repeat several of the recommendations contained in the I.A.A. Brief to the 1958 Provincial Royal Commission on Education (the Cameron Commission):
 - (9) Teachers with the highest standards of qualifications are very much needed for Indian Schools.
 - (10) School studies should take into account changes and modern developments in the lives of our native people. They should no longer be relegated to the colorful past.
 - (11) The suitability and adequacy of the subjects offered to Indian children should be reviewed.
 - (12) Instruction in English should begin at pre-school ages.
 - (13) Special reading books which are related to the world of the Indian child should be introduced in Grades 1 through 3; such books could also act as an inducement for non-Indian children to read.
 - (14) Specially trained counsellors should be provided for Indian students.
 - (15) Special courses or sessions for teachers of schools with numbers of Indian children attending should be required. These courses should be designed to impart broadened understanding of these children's special needs, as well as knowledge of especially suitable instructional methods.
 - (16) Much more educational research and planning are needed, to be carried out through the close co-operation of the Federal I.A.B. and the Provincial Department of Education.
- (f) Re government changes:
 - (17) If all phases of Indian Affairs remain under Federal jurisdiction, there should be a separate Department of Native Peoples with its own ministerial head.

Section II.

Our organization wishes to make the following 27 recommendations in the various indicated areas:

- (a) Re I.A.B. *administrative* changes:
 - (1) The various ranks of the I.A.B. staff should receive special training for their work, training which would not merely enable them to perform their duties more adequately, but which would encourage better relationships between them and the Indian people they serve.

- (2) Superintendents especially should receive such special training and should also be chosen on the basis of relevant experience in the field.
- (3) We earnestly recommend emulation by the I.A.B. of the "Community Development" approach of the Economic & Social Affairs Section of the United Nations to peoples of the world living under substandard conditions. This approach involves the active participation of the persons being helped in the improvement of their own lot. Put another way, the Indian people should be encouraged, assisted and, when necessary, trained to manage their own affairs. Such an approach requires the use of personnel with special personal qualifications—as pointed to in this passage from Brock Chisholm's *Prescription for Survival* (N.Y. Columbia University Press, 1957):

The kind of person who works best among peoples of other cultures is the person who is earnest, devoted, and unselfish, who goes to these people, lives with them, never hurting their feelings, never trying to 'instruct' them; he first makes himself liked and trusted because he never criticizes but rather helps them to assume responsibility for doing the things that need to be done. The kind of person who learns most while he is in these cultures, who enjoys working in them tremendously, not because the work is easy—often it is very difficult and even exhausting—but because he has himself grown extensively. No person who is frozen in his attitude can expect to be helpful in another culture. No person who goes to another culture to impose his own certainties on it can really be helpful. The person who can help them take the next necessary appropriate steps in the direction of their own intentions is the kind of person who is valuable. Nobody accepts everything because it is good for him—people accept things if they like the person who brings them. It's as simple as that.

- (4) At least one trained social worker should be attached to each and every Agency. Many school problems encountered by the teacher are really Social Worker's problems.
- (5) Certain current deficiencies in Agency administration should be remedied:
 1. Intra-communication is very poor among the Indians; there are no newspapers reporting the transactions of the Band Councils being circulated among them (and there should be); also, in many cases, no large enough building exists where the Band may sit as observers while their Councillors deliberate on future Band plans.
- (b) Re improvement in *agricultural* practices:
 - (6) In order to develop personal initiative in mixed farming projects, and thereby give more permanency to farming on the Reserve, full responsibility for farm services should be given to the Provincial Government. The Federal Government should make compensation to the Provinces for the carrying out of Treaty and other obligations related to this area.
 - (7) All possible encouragement and assistance should be given to Indian people in the operation and responsibility for farms and ranches in order to discourage the practice of renting to white operators.
 - (8) As a means of reducing the number of small, uneconomical farm units their operators should be informed of other non-farm employment opportunities through information compiled by the Provincial Government.

(c) Re governmental *consultation* of Indians:

- (9) Any amendment to the Indian Act which representatives of the Federal authority may propose should be submitted to representative Indian groups for their approval before such amendments are made law.

(d) Re improvements in the *education* of Indians:

- (10) Please refer to the eight recommendations drawn from the I.A.A. Brief to the Cameron Provincial Commission, already cited on pages 1 and 2 of this Brief.
- (11) The respective Provincial Education Departments should take over full responsibility for the education of Indian children residing within that province's boundaries. The Federal Government should remunerate the provinces for such take-over, in cognizance of its Treaty obligations. Such provincial responsibility would in no way jeopardize the privilege of Indians under Treaty.
- (12) Summer courses on the Indian and the Eskimo cultures and current problems should be provided for the teachers of these groups' children. We recommend that these should be under Provincial auspices; such courses carrying the usual Provincial education credits.
- (13) We strongly recommend that broadened educational opportunities be provided for the Indian people, and especially more adult education offerings for those not eligible for the present younger men's technical training program. Another age group among Indian people in dire need of help by way of training, and not having Grade IX schooling, is that between the ages of 15 and 18 years, girls and boys. We strongly recommend that a special program of vocational training for this group be instituted.

(e) Re broadened *employment* opportunities:

- (14) We urge that the I.A.B. employ more Indian people, recognizing that this practice may necessitate changes in the present competitive basis for the selection of Branch employees.
- (15) Each Reserve should be studied by competent personnel toward the end of setting up mercantile and light industrial services, to be handled entirely by the Indian people themselves.
- (16) More time and effort should be spent by qualified persons to explain the advantages of vocational training to the Indians. We urge the institution of a "Career Night" toward the end of every school year from Grade VII on, in schools with many or all Indian pupils.

(f) Re improvement in *health and welfare* services:

- (17) For emergency care and all sickness except those requiring prolonged treatment, Indians should be admitted to all provincial hospitals under the same benefits as are offered by the Federal Indian hospitals.
- (18) The eligibility of Indian people, both on and off the Reserves, for local and provincial welfare services is in great need of clarification.
- (19) Some kind of welfare set-up for Indians is very much needed. We recommend one controlled by Provincial Welfare Departments, since this would involve far greater efficiency and economy of administration than a special organization set up by the Federal Government. Responsibility for welfare services should be turned over to the Provincial Governments with remuneration (in recognition of Treaty Obligations), and the Provincial Welfare Departments could be

increased to handle all services to Indians residing within that province's boundaries.

(g) Re the current self-help *housing* program:

- (20) We would like to commend the Government for the way the I.A.B. is handling the building trades short courses, and recommend that courses such as the one in carpentry at Victoria Composite High School in Edmonton be extended and made available to more Indian People.
- (21) Prior to the time such a course is given, its supervisor should spend two or so months on the Reserve explaining the value of the course to young adults, including newly married couples.
- (22) So that they may appreciate it more, those who are capable of doing so should be required to contribute labor and funds to the building of their own homes. Assistance toward this end should be provided when a building program is begun on a Reserve. Further, the Indian people themselves should be invited to participate in the planning of their houses, and, in order to provide employment on Reserves (see page 3, e) all construction of buildings on the Reserves should be done by the Indian people themselves, under the direction of a capable supervisor.
- (23) The housing plans used should give more consideration to the privacy and sanitation requirements of the family involved than do present plans.

(h) Re maintenance of *ethnic identity*

- (24) For the Indians who wish to retain their racial, cultural and community identity, we stress the advisability of retaining, and even, in some cases, extending the Reserves as a land-base.
- (25) We recommend that all Indians be granted full Canadian citizenship without prejudice to their Treaty rights and Band membership.

(i) Re *legislative* changes:

We draw attention to recommendation No. 7, page 1, as coming under this heading.

We draw attention to recommendation No. 25, just above, as also coming under this heading.

(j) Re enlargement of the *human rights* of Indians:

- (26) We stand behind the Indian in his demand for greater opportunity for self-government, not only in interpreting the Indian Act but also in the actual procedure of its administration.
- (27) We ask an end to both physical and psychological discrimination against Indians, and the elimination of many current inconsistencies in governmental treatment of them. Some concrete examples of the latter:

Some provinces have granted the Indian the vote on a par with all others; in the Yukon he has the Federal vote only, while in the N.W.T. he has both territorial and Federal vote.

Re taxation and the vote, he may choose to pay taxes on income earned on the Reserve or not, and if he does, he is automatically given the Federal vote. Yet if he lives off the Reserve and pays taxes on income earned off the Reserve—indeed, he is required to do so—he still may not have the Federal vote so long as he is registered as an Indian.

We emphasize, any grant of the vote to the Indian people in general should not entail loss of their present Indian status rights.

APPENDIX "D2"

BRIEF OF CALUMET INDIAN CLUB

Calgary

January 1960.

The Calumet Indian Club was organized in Calgary in 1959 as a social organization for Indian people who are living, working or receiving an education in this city. While purely social in nature, we have decided to submit a Brief to the Joint Committee on Indian Affairs to give our views on some of the matters which concern those of us who are living away from our reserves.

Our membership is small, with attendance at our weekly meetings ranging from a dozen to two dozen. But the Indian population of Calgary is also small and, although no census has been made, we do not think there are more than fifty treaty Indians in the whole city.

Our basic submission is based upon the resolutions of the Indian Association of Alberta in matters which relate to Indians in the cities. We have also added two resolutions of our own. You will note that of the nine I.A.A. resolutions considered, we endorse eight and disagree with one.

After some discussion, it was decided that we did not agree with the establishment of hostels in Calgary and Edmonton as mentioned in I.A.A. Resolution No. 30. We feel that if we are going to live in the city and receive an education here, we should not be segregated into separate communities or buildings. We feel that this would be like bringing part of our reserves to the city and would not help us to mix. One of our members remarked that some of us would spend all our time in such a hostel except for going back and forth to school and that it would be more like a refuge for us.

Instead, we think that the government should have a person who devotes their time to locating private homes where we would receive guidance and understanding. As it is now, we usually have to find places ourselves and sometimes they are not always too good.

We agree with the findings of the Alberta Royal Commission on Education. We particularly think that something should be done to give the white students a better appreciation and understanding of the Indians. Some of us have experienced unpleasantness caused by ignorance on the part of fellow students.

Directly related to this subject is our own resolution favouring integrated schools over other types of education. Most of us received part of our education in residential schools and completed our studies in white schools. In some cases this has been very hard for us. If we had started in mixed schools at the beginning, we probably would not have so much difficulty.

Therefore, we feel that integrated schools are the only answer if our people are to show any progress.

We also think it is a good idea for Indians to become teachers and one of our members from the Six Nations says this is being done on their reserve much more than it is in the west. We think our people are capable of becoming teachers but have not been given the proper encouragement or assistance.

We feel that one of the reasons our people on the reserves do not always take advantage of the education which is offered to them is that they do not fully understand or appreciate what it can do for them. Therefore we recommend that the government institute a program of conducting Indian pupils on guided tours of the cities. In Calgary, they could see the high schools with all their facilities, the university, Calgary Institute of Technology and Art, and various businesses which could employ skilled Indians. Brief talks could be given to show them just how important it is for them to get a good education and to choose a career in life.

The remainder of the I.A.A. resolutions which we have endorsed explain themselves. Loans, health services, placement officers, etc. are all needed if we are to be encouraged to find a place away from our reserves. There are many discouragements placed before us at present and these should be offset wherever possible.

We hope that you will give our Brief your most serious consideration.

Alex Jannier,
President (Cold Lake Band)

L. Healy
Vice-President (Blackfoot Band)

Calumet Indian Club, Calgary

Resolutions.

1. Resolved that the Calumet Indian Club favors integrated education over other types of Indian schools.

2. Resolved that the Calumet Indian Club endorses the recommendations of the Alberta Royal Commission on Education:

- (a) That the Alberta Government pursue agreement with the Dominion Government to the end that more provincial responsibility may be assumed for the education of Indian children;
- (b) That thorough study be made as to whether integration in schools is the best policy; and if so, how Indian children can best be prepared for this policy;
- (c) That where integration is considered best, special education be given non-Indian children that they may appreciate and understand the heritage and problems of the Indian children during a period of adjustment;
- (d) That the courses of studies, particularly social studies, be scrutinized to see that a fair and proper treatment is given to the place of the Indian people in the history of Canada;
- (e) That the whole education program envisioned in this report be extended to Indian children;
- (f) That adult education programs designed to assist the Indian people to a greater degree of citizenship be undertaken;
- (g) That Indian children be not denied the right to an education because of lack of finances of their parents.

(See I.A.A. Resolution No. 26)

3. Resolved that the Calumet Indian Club urge the Federal Government to take more action in finding Indian children who could become good teachers,

and to give them assistance and encouragement in school and university towards this career.

(See I.A.A. Resolution No. 29)

4. Resolved that the Federal government be urged to conduct tours of Indian pupils from reserves to the cities to see the educational, university and vocational facilities and to give them a better appreciation of a good education.

5. Resolved that the Federal government be asked to establish, at its own expense, competent lawyers at major centres where Indians could go for advice on their legal problems.

(See I.A.A. Resolution No. 10)

6. Resolved that the Federal government be urged to make grants to Indian societies and organizations so they may meet to exchange information and discuss their problems.

(See I.A.A. Resolution No. 23)

7. Resolved that all medical and hospital services available to Indians living on their reserves should also be made to Indians away from their reserves, regardless of how long they have been away.

(See I.A.A. Resolution No. 33)

8. Resolved that the Federal government be urged to establish a revolving fund for the purpose of making loans to Indians gainfully employed away from their reserves.

(See I.A.A. Resolution No. 52)

9. Resolved that the number of trained welfare workers be increased to one for every 2,000 Indians, rather than one for 18,525, and that at least one welfare worker be placed in the major cities.

(See I.A.A. Resolution No. 42)

10. Resolved that the Federal government be urged to make more efforts in the field of employment as follows:

(a) To watch and record the careers of Indians who are properly educated.

(b) To provide more placement officers in assisting Indians in finding jobs in the fields in which they are trained.

(c) To undertake a comprehensive training and educational program to enable Indians to obtain employment.

(See I.A.A. Resolution No. 47)

1960



LIBRARY

Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

WEDNESDAY, MAY 18, 1960

WITNESSES:

From the Indian Advisory Committee, Ontario Department of Public Welfare: Mr. Elliot Moses, Chairman; Mr. Webster White, Member; and Mrs. A. Simpson, Member.

From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of Indian Affairs Branch.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone,
Joint Chairman,
Hon. W. A. Boucher,
Hon. D. A. Croll,
Hon. V. Dupuis,
Hon. M. M. Fergusson,
Hon. R. B. Horner,

Hon. F. E. Inman,
Hon. J. J. MacDonald,
Hon. L. Méthot,
Hon. S. J. Smith (*Kamloops*),
Hon. J. W. Stambaugh,
Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,
Mr. H. Badanai,
Mr. G. W. Baldwin,
Mr. M. E. Barrington,
Mr. A. Cadieu,
Mr. J. A. Charlton,
Mr. G. K. Fraser,
Mr. D. R. Gundlock,
Mr. M. A. Hardie,
Mr. W. C. Henderson,
Mr. F. Howard,
Mr. W. H. Jorgenson,
Mr. S. J. Korchinski,

Mr. R. Leduc,
Mr. J. C. MacRae,
Mr. J. J. Martel,
Mr. H. C. McQuillan,
Mr. H. J. Michaud,
Mr. R. Muir (*Cape Breton North
and Victoria*),
Hon. J. W. Pickersgill,
Mr. A. E. Robinson,
Mr. R. H. Small,
Mr. E. Stefanson,
Mr. W. H. A. Thomas—24

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, May 18, 1960.

(12)

The Joint Committee of the Senate and House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Gladstone, Inman, MacDonald, Smith (*Kamloops*), and Stambaugh.

The House of Commons: Messrs. Barrington, Charlton, Fraser, Henderson, Howard, MacRae, and McQuillan.

In attendance: From the Indian Advisory Committee, Ontario Department of Public Welfare: Mr. Elliot Moses, Chairman; Mr. Webster White, Member; and Mrs. A. Simpson, Member. From the Department of Citizenship and Immigration: Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of Indian Affairs Branch; and Mr. C. I. Fairholm, Executive Assistant to the Director. From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Clerk read a telegram from Chief Ben Christmas, President, North American Indian Brotherhood, dated May 11, advising that he could not appear before the Committee on May 12 as he was entering hospital.

The Vice-Chairman introduced Mr. Elliot Moses, Chairman of the Indian Advisory Committee, Ontario Department of Public Welfare, who in turn introduced Mrs. Simpson and Mr. White.

Mr. Moses, after reviewing the background of his Committee, made a statement dealing with suggestions and recommendations for amendments to the Indian Act.

The Minister tabled three copies of a document entitled "A Commentary on the Indian Act". (*Identified as Exhibit No. 6*)

Mr. Jones, Director of the Indian Affairs Branch, supplied the Committee with an answer to a question asked by Mr. McQuillan on May 4th with reference to disposal of timber on the Abitibi Indian Reserve.

At 11.00 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(13)

The Committee resumed at 4.25 p.m., the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Fergusson, Gladstone, Inman, and MacDonald.

The House of Commons: Messrs. Baldwin, Barrington, Charlton, Gundlock, Henderson, McQuillan, Robinson, and Thomas.

In attendance: (Same as at morning sitting).

The Committee resumed its consideration of the brief of the Indian Advisory Committee, Ontario Department of Public Welfare, and Mr. Moses and Mrs. Simpson answered questions thereon.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on a number of related points.

Questioning being completed, the Vice-Chairman expressed the appreciation of the Committee to the witnesses for the very fine thoughts and ideas submitted in their brief.

At 6.05 p.m., the Committee adjourned until 9.30 a.m. Thursday, May 19.

M. Slack,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, May 18, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we have a quorum. We will proceed with our meeting. I am sorry the joint chairman, Mr. Dorion is not present. I will conduct the meeting in his absence.

We have a wire here from Ben E. Christmas of the North American Indian brotherhood. I will ask the clerk to read this. Chief Christmas was supposed to have been here last Thursday. He could not come and this wire gives the reason.

The CLERK:

May 11, 1960.

M. Slack, Clerk Joint Committee on Indian Affairs,
Ottawa, Ont.

RETEL THANKS FOR FLIGHT ARRANGEMENTS MY DOCTOR
HOWEVER TONIGHT ADVISES CANCELLATION OF ALL APPOINT-
MENTS TO ENTER HOSPITAL EARLY THURSDAY MORNING FOR
FURTHER EXAMINATION AND TREATMENT.

Chief Ben E. Christmas President NAEB.

Senator SMITH (*Kamloops*): From which province is that?

The VICE-CHAIRMAN: It is from the North American Indian brotherhood.

Ladies and gentlemen, this morning we have with us the Indian advisory committee of the Ontario Department of Public Welfare. It is a very great pleasure for me to introduce to you Mr. Elliott Moses. Mr. Moses is not only a very good friend and close neighbour, but also is chairman of this delegation. During his third year at O.A.C. at Guelph he joined the armed services in the first world war. Upon his return he farmed for a couple of years on the reservation, where I understand he is farming now and doing a very good job. He joined the Indian affairs branch in 1926, working under the late Roy Abram, the agricultural representative for Indian affairs, as assistant to him in the Indian affairs branch.

In 1926, Mr. Moses was made the director of the Ontario plowmen's association. In 1933, he was made the president of that organization. During his term with the department he was given the special task of organizing the women's institute on Indian reservations across Ontario. He is now a life member of the Six Nations Indians plowmen's association, also the Oshwegan agricultural association. I do not know whether the women's institute made him a life member, but I assume he would be welcome in that organization if they did.

He remained in his position with the Indian affairs branch until his retirement in 1953. Mr. Moses is a past president of the Brantford historical society. Along with taking a very active part in his own community he takes a very active part in the county. He is not only the chairman of the Indian advisory committee in the county, but also the province.

It gives me very great pleasure to introduce to you Mr. Elliott Moses, the chairman of the Indian advisory committee. Mr. Moses will introduce to you the other members of his committee.

Mr. ELLIOTT MOSES (*Chairman, Indian Advisory Committee, Ontario Department of Public Welfare*): Mr. Chairman, hon. Mrs. Fairclough and members of the committee. First of all let me thank my good friend John Charlton, as I usually call him, for the very kind introduction he has given me this morning.

First of all as chairman, on behalf of our committee, I would like to express our appreciation for the privilege of coming before this committee to make some suggestive and constructive criticism, shall I say, in connection with the present Indian Act.

Before going into that, with your permission Mr. Chairman, I would like to introduce our two members who are here. I have on my right Mrs. A. L. Simpson who hails from the Alnwick reservation, a small reservation about 18 miles from the town of Cobourg. We are especially pleased to have a lady on our committee, for the simple reason that in this day and age when ladies are playing such a part in our public life we find it a great advantage to be able to turn to her to secure a woman's viewpoint on many of the matters which come before us. I am glad to be able to tell you that she has had a lifelong interest in her small reservation and her people. She has been a moving spirit in what we know of as the homemakers' club which is a ladies organization instituted by the department. She is the chairman of this organization, which is the equivalent of the well-known women's institute, which is a world wide organization. She has been and still is a very important member of her local church and has given a great deal of her time and talent for the benefit of her people.

Next to Mrs. Simpson we have Mr. Webster White who comes from the very wonderful little reservation on Walpole island, an absolute garden; there are few places which excel it for fertility of soil and quality of people. Mr. White had a very interesting background as a boy. What I have to say in this regard includes him and his six sisters. Unfortunately, at a very tender age they lost both their parents. His father happened to be a member of the independent order of foresters. There were no provisions made for their advancement and family life, so they were placed in the independent order of foresters home at Oakville. They grew up and received their education there. One of the interesting things about it is that when they came to maturity they ventured out into the world for themselves and all but one member of the family chose as their life partners non-Indian persons. I think Mr. White went across the border and secured a wife on the American side, and his five sisters did likewise and married non-Indian people.

Mr. White is very active on his reservation. He runs a very successful general store and also has a successful marine and gasoline business on the island.

In passing, I would like to mention the fact that we are minus Chief Lorenzo Big Canoe, who is unfortunately on the sick list and could not appear. He is on our committee. He is the chief for his people and has made a wonderful contribution in his lifetime for his particular reservation. We are hoping his health will improve so that he will be able to carry on.

I am sure the members of this committee will be interested in the title of our organization, the Indian advisory committee, Ontario Department of Public Welfare. Since we are a provincial group we are probably unusual in some respects. With your permission I would like to give a little bit of the background as to how the formation of this committee occurred.

Some years ago the government here at Ottawa chose to extend to the Indian people in the dominion certain rights and privileges which they had been denied under the act up until that time, including the use of beverages and the right to vote. This involved the provincial government to such an extent that they saw fit to appoint a parliamentary committee composed of both parties.

That committee visited a great number of the reservations in the province of Ontario where the members were anxious to receive first-hand information as to the living conditions of our people. This was absolutely necessary in view of the fact that they, as a government, had no legal jurisdiction over the administration of Indian affairs. It is stated they were brought into the picture through the move that was made down here. They had a very interesting time visiting our Indian people. It was a revelation to many of them to find the conditions under which the Indian people were living, principally in the southern and south western part—the older part—of the province of Ontario.

After they had finished this inspection and returned to Toronto they sat as a committee to decide the action they would take. One of the first decisions made by the committee was that they felt that the present Indian Act created of the Indians what they termed second class citizens. This was due to the fact that the Indian people were not subject to all the laws and provisions made for people who were full citizens. There was a form of protection over them which perhaps had not served its purpose for a great many years, and had now become more or less out of date. They decided that would be their first move. Actually, in so far as the province of Ontario is concerned, all Indians of the province are full fledged citizens.

At this time I would like to give credit to our premier, Premier Frost, for a great deal of their effort and many of their decisions in connection with Indians. I am sure he is no stranger to this group. He has a very warm spot in his heart for the Indians of the province, and Indians in general. He is especially interested in the historical background of the Indian people of our country, to such an extent that just recently he made suggestions to the hon. Mrs. Fairclough and her department regarding road improvements on our reservation.

With your permission, Mr. Chairman, I would like to read a few brief articles as a result of that move for better road improvement. One is by the hon. Mr. Frost and the other is by Mr. H. C. Nixon. Mr. Frost said this in the legislature:

Now, sir, I use the word "reservation" but I would say to my fellow chieftain that I do not like the word "reservation". As a matter of fact I wish some other word could be found. After all we do not, in this country want to give the feeling or attitude that confines our Indian citizens in reservations. That is their home, that is their castle, and it ought to be so referred to in the statutes of this country. I would abolish that word and put in a word that is in keeping with the dignity of these great people.

This is not an uncommon expression, in so far as many of our friends outside of our reserves are concerned. There is nothing wrong. The definition of the word "reservation" is quite clear in the dictionary; but when applied to Indians it seems to take on a different meaning, to such an extent that it is not uncommon for us who live on the Six Nations reserve to have people in the city of Brantford, who have lived there all their lives, come up and say "How would it have been possible for me to attend the annual pageant on your reservation". There seems to be a feeling that there are restrictions even to people coming in on the reserve, because of the word reservation.

The Reverend Harry Nixon, who is termed the dean of the Ontario legislature, said this:

I particularly appreciate the reference of the hon. Prime Minister to my good friends of the Six Nations, the Iroquois. I will not refer to their homeland as a reservation any more. I agree with the hon. Prime

Minister on that basis, and I am certainly looking forward to being with him when the first sod is turned on the road that is to be built for them this coming year.

I thought the committee would be interested in having that little report. As I said before the word "reservation" takes on a different meaning when applied to our people as a whole.

I do not want to delay too long before getting into the brief. There are, however, a number of things which perhaps I should say in connection with the formation of this committee, but I think I will pass that up for the time being and deal, if it is in order, with the first item on the program.

Before going into our brief I might say we fear, in following the proceedings of this committee, that numbers of our brother Indians probably have appeared before you with, should I say, a chip on their shoulders and have come down here with the idea of maybe complaining—and perhaps justly so—of things which have occurred in connection with themselves. We feel probably that some of them have entered into a form of destructive criticism in so far as the Indian affairs branch is concerned. It is our hope that we will not do that. We hope to produce some constructive criticism.

Mind you, it is only natural that our people should think of the past; we do ourselves. It is quite evident to us that there have been many injustices during the past years. Personally, I do not believe they were intentional, but I think it just simply worked out that way in view of the progress that the Indian people are making, to such an extent that some of our Indian people feel they are the most abused people in the dominion of Canada.

We do have a recollection of these injustices, and it is good that we should have, because I feel it helps us to come to conclusions for the future. However, our committee is very much concerned with the point that we should not allow such knowledge to interfere with our usefulness to our Indian people for the present and for the future.

I regret to say I have learned, during my connection with Indian affairs—which was some 29 years—that our Indian people know all too little about our grand past. So few know anything of the great historical background of our people throughout the depth and breadth of this nation. This is true on my reservation today, where we have six tribes. Numbers of the young people do not even know to which tribe they belong. That, in my humble opinion, is a regrettable situation; however, it is true.

We, as a committee, feel that the present and the future is probably our job to think of more than anything else. So the few items which are included in our brief have to do with the future living of our people.

We set forth many portions of the act—not necessarily to criticize them—but because they are the parts which we do not agree with as policy. We feel in doing so that we are offering constructive criticism.

The first item in our brief is No. 1:

An Indian woman's rights after marriage to a non-Indian, when continuing to live on a reservation.

I am not sure that it is necessary to read what the act says, because it is clear in the brief. I presume the members have copies of it.

However, I shall deal with the question briefly. It is a known fact to this committee that there is a provision in the act, I believe since 1951, whereby in the case of an Indian girl marrying a non-Indian, she immediately loses her status as an Indian, and she sacrifices her right to the property which she may have inherited or acquired herself on the reserve, and she is, so to speak struck off the list.

This of course makes that individual a full-fledged citizen of the country. We feel there is nothing wrong. I suppose it is perfectly natural that a girl should take on the status of her husband and possibly be classified as Scotch, Irish, or anything else. But when it becomes a matter of affecting her birthright, and her interests on the reservation, we feel that it is not in keeping with the democratic principles of a country like ours.

The reason we are concerned about this is that according to the information we are getting—and I go back to conditions on our own reserve, where we have on a number of reservations more Indian girls marrying non-Indians than we have Indian girls marrying their own kind.

This may be a revelation today, but it is an actual fact, and the reason for it is this: one of the things about reservation life today which is not too wholesome is the fact that we have no employment, or form of security for young girls among our Indian people. In other words, when a girl reaches the age of 16, she has graduated from public school into high school, provided she continues on, and thus she is there and is still occupied.

But if she stops school, then 99 times out of a hundred she has nothing to go back to which would induce her to remain at home. The consequence is that these young girls start out in the world for themselves. They go to such cities as Toronto, Detroit, Buffalo and London and take up any kind of work that they can get. Most of them are very attractive; and not only are they attractive, but they are intelligent, and many of them marry a very decent kind of white boy.

In our observation very few of them have been unfortunate enough to marry one who would not make a suitable husband. So that is the situation. These young people have no choice. They go out into the world to make the best of it under those conditions.

I emphasize the point that one of the weak features of the reserve system of life is that it has nothing to offer the average young person. I know that you will be thinking that we have acres and acres of fertile land, and so we have. But because of the trend in agriculture, where ordinary horse farming has gone out of existence, and mechanization has come in, an average Indian boy is not able to cope with the situation financially; and in addition to that, most of our Indians, in my humble opinion, are not farmers. They are more given to a mechanical form of life and to industry of many kinds.

Consequently we have many hundreds of our boys who are making a great deal more money, and making it easier, and finding a great deal more security in the great variety of industry that our country offers at the present time.

It is my humble opinion that farming will remain at the very low ebb it is at the present time so long as industry affords these happier conditions. So these young girls of ours come within that bracket, or they marry.

Now, in our humble opinion, in fact marriage is an honourable institution. Without it no country can have a future. And it seems ridiculous—I use the word ridiculous—that a young Indian girl cannot choose a partner for life without being penalized. It is a penalty you will agree, and it does another thing with which the whole world is concerned, in that it enlarges the racial question.

Probably this young man never before contemplated marriage to an Indian girl, or had never given much thought to the fact that she was an Indian. In a natural way he grew to like her, to admire her, and he decided to marry her. And then this comes up: she is an Indian girl.

Then he begins to think about it, and it has been the case, in some instances, where young men have changed their minds because of it. Now, in our estimation, the only thing that a law of this kind does is that it helps

our department to establish a complete and accurate record of who is Indian and who is not; but in every sense of the word otherwise we feel that it is wrong.

Let me use a mile and a half along my own road as an illustration. The first family to the north of our home is a family with four girls, of which they have two girls married to non-Indians, and they are splendid fellows. And in our own family we have one girl; and in order to complete the story I must include the boys in our family. We have two boys married to non-Indian girls.

We now go to the next door across the road where the whole family are married to non-Indians. The boy was in the American army during the last war and he came home with an American nurse. The three girls were in the class of girls that I spoke of who had to go out into the world, and each one of them married a non-Indian husband.

You may be interested to know the calibre of the people they married. One boy was a foreman of construction work in the city of Hamilton. Another girl married a Jewish boy who was a professor in one of the universities in the United States. Today he is taking a special course in Israel, having won a scholarship. So the whole family are as much white, if you like to use that term, as they are Indian.

The next home across the road has one girl married out of a family of three girls. And down below that we have a family of two girls both married to non-Indians. And adjoining that is another family with two girls; and then the last one in the line is a family of seven, with one girl—that is, she is the only girl married. That condition can be duplicated on every road on the Six Nations reservation, and I am sure on the reserves of my two colleagues here.

This is a revolution when it reaches a proportion that affects that number of our people who feel that our department here in Ottawa would be justified in giving due consideration to remedying that condition.

Of course we appreciate the fact that the ultimate goal of our Indian people is full citizenship. But I ask you, as a committee, in what better way can it come about than through intermarriage?

I am pleased that our department is now advocating very strongly the matter of incorporation and assimilation. You will see from what I have told you already that here you have a clause in the act which does the very opposite. It places a barrier in the way of young girls who would marry out.

I have just one more thing to say about it. This is a serious condition. This form of regulation encourages common law living. We know of instances where the women were property owners, and where, if they married legally, they would eventually have to sacrifice their property. They are attached to the men they want to marry, and it would take more than a regulation to break up that sort of union. So they studied the thing out and the final conclusion was this: "We will not marry. We will just live together." And we know of instances—several of them—where such unions are raising families. Yet the local council would say "You have no right here." They would come under the threat of trespassing, which is something we hope to deal with later on. But the council has no choice.

If they move a man off the reserve, then they immediately saddle themselves with the responsibility of looking after his family and children, who are half Indian. Consequently they grow up on the reserve under these unsatisfactory conditions. But mind you, as a family unit they are very happy, and we are quite certain that if this regulation was removed, it would be to the good of our people.

I understand that in most cases—and we know of instances—where if these men were removed, the family life would be very broken, and provision for their children would not exist. There is nothing wrong with it, outside of the fact that there is a regulation in here which says that they cannot marry without being penalized. The second item in our brief is "Use of reservation land for burial grounds." As I said before, as a committee we are much concerned about the present and the future of our people. Clause 18 deals with that in the act which is before you. And I think I should use an example—and you will pardon me if I do this occasionally, because I know the situation best on the Six Nations reserve—where in the early days religious bodies were interested in doing something for Indians in the matter of their conversion. As a consequence we have on the Six Nations reservation six Anglican churches, six United churches, three Baptist churches, and one Seventh Day Adventist Church.

And within the last 25 years we have had a number of newer religions come in such as the Pentecostal religion and even a branch of the Mormon church, which are now established on our reservation, and in each case these churches that I have mentioned have a local burial ground.

Some years ago we tried to induce our council to take the matter in hand, because the cemeteries are in a deplorable condition in most cases. However, we have not had any success up to the present time. In making visits around—because after all we have to visit a number of reservations—this committee has been in existence for five years, and we are starting our sixth year now—we found other conditions to be very similar to those on our reserve.

It may be that there is a provision in the act to remedy this condition, but we thought it well to bring it before this committee, and to ask that some regulation or some suggestion might go forth to the Indian people to take an interest in their burial grounds. We feel it would be best in most cases if the band council laid out two or three burial grounds, as the case may demand, and that they be looked after through the local council rather than to be left in the condition that they are at the present time.

My personal concern is this: that my home is within three miles of the village of Ohswegen, and within a mile and a half of that village we have today at least five burial grounds. In two or three of them there are only half a dozen bodies. But that is only a start. So we are deeply concerned about this matter of the burial of our people.

In most cases with these newer religions and with those who are adherents to them—while all their relatives may be buried in either the Baptist, the Anglican, or the United church burial grounds—yet it seems to be their policy that they will not bury their people in any one of those burial grounds. We leave that with the committee and with our department to think about. I am sure that the officials of our department who visit our reservation are familiar with the conditions that exist, so far as that is concerned.

The next point in our brief is No. 3:

Indian's right to outright possession of land".

In reading over the proceedings of this committee which Dr. Charlton so kindly forwarded to me, I noted that our brothers of the St. Regis made some reference to this matter. We feel that the time has come when the administration of Indian affairs should more and more be vested in the people themselves. In fact it is quite evident to us that you cannot make men and women by treating them as children. By that I mean that the provisions that have been made for our people in the past are so childlike that they have the tendency of keeping our people in that bracket.

Now, far be it from me to go back and criticize this in a destructive way. But I feel that a change has been brought about by the fact that so far as Ontario is concerned, and as far as southern and western Ontario are concerned, there are no people in the world who have made such rapid strides and progress as have our Indian people.

The credit is not all ours, but due to the fact that we live in an older part of Ontario and are daily in contact with the most advanced people of the dominion, shall I say. Nevertheless it has had a very beneficial effect on our Indian people and to such an extent, ladies and gentlemen, that we do not live any differently to anybody else.

We have a small committee which appeared before Premier Frost in connection with a road proposition, and in discussing it we pointed out one or two things to him which I think would be of interest to this committee. In speaking of why we need better roads, in an area of 5 miles on our reserve, which comprises one block, we had 17 cars and trucks. Each vehicle represents a driver's licence and a consumption of gas. This will give you some idea of the progressive type of Indian and the contribution he is making towards the revenue of the country. Our people are not at a standstill; they are moving ahead.

I am concerned about the ownership. I know that the St. Regis people were asked if they were ready to take on full citizenship and the spokesman intimated he was, and then later on when the responsibilities were enlarged upon he felt they should request some time before they would be willing to assume those responsibilities. It is my humble opinion that the matter of taxation has not been put to our people very intelligently. It has been enlarged on in such a way that it is more or less of a scarecrow. Our people say "We do not know what we are stepping into. Probably we should wait a while."

The truth of the situation is that the average Indian is paying every conceivable tax, with the exception of school tax and direct land tax. For that privilege he is protected in the act to such an extent that his property cannot be taken as security or pledged in any way in his business life. This in itself is reacting today on our people because numbers of Indians would like to go out and make a loan in order that they might improve their home and property, buy a tractor or other things; but they cannot do so, because the act says the Indian is not responsible for his business dealings in that respect. This is the reason why we feel an Indian probably should have more direct control over the land which is his.

When it comes to ownership of land and the reason why people should have it, I have a feeling which I will express here. I think I can do it, because while I am from the Six Nations reserve I am not actually a member of the Six Nations. My people are of the same stock as my brother and sister here. We are Algonkians; but it happened that our small tribe of Delawares fought with the British and after the war was over they, like the Six Nations, were told they were enemies and not welcome, except under certain conditions.

So we came over here. We make up the seventh nation, although we are not recorded as such. We are there because of things which happened in the revolutionary war. That being the case, I feel I am in a position to make a statement here. Our Six Nations people, because of our grand historical background and because of our alliance with the British, have always complained—and in my humble opinion justly so—in the matter of our land being designated as crown land. It is known by those people who have studied history that had it not been for the Six Nations the boundary line of this great country of ours would have been much changed. It is quite evident that all the valuable territory from Toronto and drawing a line straight through to Detroit would have been a part of the United States today.

In a country like ours, where I feel we have more than is good for us of the human necessities, sometimes there is a tendency for us to forget such contributions, regardless of all the legal sides of life and how governments may deal with it, and why they might come to conclusions. I ask you this; how could a people have a privilege or a right to a clear title to their land in a more effective way than the Six Nations own theirs? Of all the beefing of our people, I think this is something which would clear up the situation on the Six Nations reserve to a great extent, because they resent very much the fact that their alliance has been forgotten and they are put in the same category as all others in so far as ownership of land is concerned.

Bringing it down to the practical way of life, what does it mean to us? It means that a man such as Mr. White who is in business, I know, at one time was in need of several thousand dollars of money and he could not get that. The banks would not give it to him. Before he got it, it involved his father-in-law and other persons who had property, because of that one clause. This is having the tendency to retard the progress of our Indian people.

There is one thing about the administration of Indian affairs in respect of which I speak very feelingly. Having served the department, I have been on that side of the table and have had to stand up for the department. Very often I could see the justice of the complaint of my own people and I would have liked to have been on the other side of the table; but I was an official of the department at that time and I had a duty because I had taken my oath. I know of an instance of a young chap who wanted to buy a farm. He approached me. The natural thing for me to do was to refer him to our superintendent in the Indian office. The superintendent knew the young fellow and said he was no good. I agreed with him; but you cannot very well convince a boy's mother that he is no good. His mother came to the rescue and said "I will sacrifice my monthly veterans pension if you will advance him enough money to buy the farm". I think the amount was \$125 a month. The farm was going to cost the young fellow about \$6,000. The superintendent said "Because of his background and because I know he is no good we cannot do anything for him". I said "Yes, but you are not dealing with him alone; his mother is here".

I could not get anywhere with him. It was referred to the regional office. The regional officer told me the same thing. He said "Would you yourself under the circumstances make a loan to this man?", and I said "Yes, with the backing of his mother". I said "the only thing you would have to find out is whether or not it is legal for that mother to pledge her pension for the benefit of her boy". I point this out to you to show you the labourious form of administration we have to go through. It is very serious when it comes to the lives of our young people.

Let me give you what I consider to be a more glaring example of that very thing. It is not often that I go into our council chamber to listen to our council discuss things pertaining to our welfare; but I happened to be at this particular council meeting when the manager of the Bell Telephone Company was present. He came down to suggest to the council that the time had come, because of the great many users of phones on the reserve, when we should have a special building set up in the village of Oshwegan to facilitate the matter of sending and receiving calls. They had a very fine session. The council readily agreed to give the Bell Telephone Company a 99 year lease on a half acre or an acre of land as the case may be. The land was available. The building was needed to give better service to our Indian people. We were greatly concerned because most of us had so many persons on our line that we were not getting a dollar's value for the use of it. This resolution was forwarded to Ottawa. When it came back it was pointed out to us that the act would not allow them to give that sort of a lease to the Bell Telephone Company.

I am sure the department knew all the time that it was a necessity and knew it was for the good of the people; but the wording of the act would not permit it. For a time it died a natural death. Later it was discovered that while the council could not do that, an individual Indian could perform that duty. So the Bell Telephone company went to a private landowner in the village and rented a piece of land which they wanted from him. He gave them almost the same type of lease. It was for either three 20 year periods or three 30 year periods. This was satisfactory to the Bell Telephone Company. That went through and the building was erected. I am told that young Indian man was paid more money than the Bell Telephone Company would have had to pay the Six Nations council.

My point is that this was absolutely a council matter. It had to do with all the people on the reservation. Yet in negotiating the deal they had to go to an individual Indian. That is what we mean when we say it is a labourious form of administration.

The same thing happened when we were negotiating for hydro on the reserve. Let me say here that this committee is extremely proud of the fact that we are a provincial organization, because I think the province of Ontario has set an example for all of the provinces in extending to their Indian people every right and every privilege that the province has to offer in the way of social benefits and so on. In some instances this is a combination of the federal government and the province.

In every case, however, the province of Ontario has not denied our people any of these things. When it came to the matter of hydro on the reserve I spent a lot of time and made a visit to Toronto. I was told that according to the Indian Act they could not do business directly with the Indian people. They said they had to have the okay from Ottawa first. The consequence was that for a year or two we had to work, and work and work in order to get hydro for our people. It seems to me, in view of the fact that in the end all the department had to do was to okay the transaction, that the point at issue was how they would collect from the Indian. When the department here gave its approval, it meant that the Indian trust account would be responsible for the bills of any Indians who did not pay. It did not mean that the government here in Ottawa was going to have to do it. It struck me that this should have been a matter for the council to handle.

I mention this to show you that we have reached the point where we feel we should have a great deal more direct responsibility in the internal affairs of our people.

I have just one thing to say regarding the matter of taxation which, in so far as we are concerned, means full citizenship. It is the ultimate goal of our people. We are not in favour of compulsory enfranchisement for the simple reason that we know there are numbers and numbers of our people who could not meet the citizenship qualification. We are not, however, closing our eyes to the fact that that is the ultimate goal. If citizenship is the top rung, if it is what we should have in the best interest of our country, then we Indians some day should get this.

There is a section of our province which we have not visited very much. I myself had the privilege of visiting northern Ontario. A situation arose there in which we were accused of being a nuisance in the town of Kenora so far as drinking was concerned. In the interest of our committee I went up to see what were the conditions. I was amazed to find that those Indians right there in our old province are 200 years behind the Indians on the reservation from which we come. They live in absolutely primitive conditions, so to speak. The late Bishop Rennison, when he retired, after having worked for them for 50 years, was taken into the Department of Public Welfare in Toronto in an

advisory capacity. He told the hon. Mr. Goodfellow that, so far as he was concerned, having worked among those Indian for 50 years, he considered they would be better off wholly enfranchised, because in those 50 years they had made little or no progress under the Indian Act. That seems to be a glaring statement to make.

I am interested to learn that in respect of the Eskimos and Indians of the north, the officials up there advise us they have no intention of creating a reservation for the Eskimos and Indians in the north. This indicates that probably the reservation system of life has not worked out to the general advantage and progress of the people.

While I am on the matter of Kenora, I would like to say we were specially interested in the accusation that was made against our Indian people. I had a friend with me. We stayed a couple of days. We visited the Salvation Army, the chief of police, the Indian agency, and the Legion to find out what was taking place. We found it was purely a matter of business so far as the hotels were concerned. The waiters in those places were given a commission for serving as many drinks as they could. The Indians came in by boat because there were practically no roads. They came into town. There was only one place to go—a public building—and on a weekend they were somewhat of a problem to the police.

In discussing the matter with the sergeant of the provincial police he said that so far as he was concerned "The Indians have more right to be here than I have, myself". The amusing feature of this is that outside the hotel that evening we heard a rumpus. We went out to see what was going on, thinking we would get further evidence of what was happening there. We found three young white boys—non-Indians—and one Indian boy. All of them were not in too good condition. The two white boys had another white boy down on the street and the Indian boy was a good Samaritan and was trying to help the white boy stand up. We were happy to find out that the Indians were not involved in that rumpus. We found, however, that the people in the community feel that the Indians should have more than just the public place to come to in town.

We would like to say that men such as Mr. White here, and many others, who want to make something of themselves should have a direct means of securing loans. In fairness I should say this. I know for a fact that the average Indian who has established a reputation for being honest can go into the average bank and secure anywhere from \$100 to \$300 or \$500 but, when he begins to speak in terms of thousands they know the danger behind it and of course one cannot blame a banker for refusing. We absolutely feel, with the progress that is being made by our people, that if the reserve system of life is to continue some consideration must be given to that particular point.

The VICE-CHAIRMAN: Before you proceed with No. 4, I think you would appreciate a little breather.

The minister would like to make a brief statement.

The Hon. ELLEN L. FAIRCLOUGH (*Minister, Department of Citizenship and Immigration*): Mr. Chairman, ladies and gentlemen, I have with me some copies of a newly prepared document which is entitled "A commentary on the Indian Act". As these proceedings have developed, it was thought, in the department, that the members of the committee might appreciate comment on the various sections of the act, their application and some of the problems which have arisen. In some cases a solution is suggested; in others the problem is just set forth. This, read in conjunction with the act, I think would give a great deal of information to the members of the committee. This is purely and

simply a work paper. If I may, Mr. Chairman, I would like to table this. The officials of the department have enough copies for all the members of the committee.

I am sorry I have to leave now. I think you will be adjourning at 11 o'clock in any event. I would like to take this opportunity of complimenting Mr. Moses for the very wonderful presentation he is making. I will be back this afternoon and I hope to hear the rest of it.

The VICE-CHAIRMAN: Ladies and gentlemen, we have this commentary which the minister just tabled. In respect of the members who are not here their copy will be placed in their mail box. Those who are here may procure their copy at the end of the meeting.

I believe Colonel Jones has an answer to a question asked last week by Mr. McQuillan.

Lt. Col. H. M. JONES (*Director, Indian Affairs Branch, Department of Citizenship and Immigration*): This is in respect of disposal of timber on Abitibi Indian reserve No. 70.

During the sitting of the Parliamentary Committee on May 4th, Mr. McQuillan, M.P., asked: "I wonder if Colonel Jones at a later date could give us an outline of the terms of the agreement under which this timber was sold, how many acres were involved, how many cubic feet or board feet, or boards were sold, and the overall price?"

A surrender of the merchantable timber, including pulpwood of Abitibi Indian Reserve No. 70 in the province of Ontario was given by members of the Abitibi Band July 8, 1942.

The timber was advertised for sale in the press and by distribution of posters to 25 prospective bidders December 6, 1946. Two bids were received as follows:

Trout Creek Lumber Company of Powassan, Ontario.

saw Timber	\$8.00 per M
Spruce Pulpwood	1.75 per cord
Balsam Pulpwood85 per cord

Feldman Timber Co., Ltd., of Timmins, Ontario.

saw Timber	\$10.00 per M
Spruce Pulpwood	1.85 per cord
Balsam Pulpwood	1.85 per cord

The high bid of Feldman Timber Co., Ltd., was accepted and licence No. 327 was issued accordingly.

The area of the reserve is 19,200 acres and 2,705,327 feet board measure of saw timber comprising spruce, jack pine, balsam and white pine was cut as well as 21,119.73 cords of pulpwood and 1,031.42 lineal feet of boom timber. The total dues paid amounted to \$66,138.12 and in addition ground rent totalling \$1,500.00.

The VICE-CHAIRMAN: Thank you, Colonel Jones.

Now, Mr. Moses, would you like to proceed with No. 4 in your brief. We will continue until a couple of minutes before 11 o'clock.

Mr. MOSES: Mr. Chairman, I hope I am not taking up too much time.

The VICE-CHAIRMAN: No. Go right ahead.

Mr. MOSES: I am vitally interested in this. I would like to reveal this in a manner in which it will be appreciated by the committee.

We come now to No. 4, Indians right to use of land as collateral. That ties in pretty well with what I have been saying. This has been suggested by Mr. White. He feels that an Indian should have the right to place his property as

collateral for a loan. We do not think this is an impossibility. We would be very glad to work with the department here so far as suggestions are concerned as to how this may be done. We think it would be in keeping with the progress which is being made if some provision were made, as we are advocating, so that the Indian would be in a position to do for himself. After all that is the big thing. We will never be anything or get anywhere until we are able to assume those financial obligations ourselves. That is why that particular item was placed in here.

I would now like to pass on to No. 5, trespass on reserves. The section dealing with it is here, and it is in the act, before you on your sheet. We say here that this committee endorses the position of the Canadian bar association in this regard. I have before me a copy of the Canadian bar association report, and I would like to read that, Mr. Chairman, with your permission.

Section 30 of the Indian Act constitutes it an offence for a person to trespass upon a reserve. What constitutes "trespass upon a reserve" is a difficult question. This section appears to have been interpreted to mean that non-Indians may not come upon the reserve without leave of the superintendent. The superintendent may initiate a prosecution of a person coming upon a reserve who is not an Indian. While this power may in some instances be necessary, nevertheless, it has the effect of cutting Indians entirely off from the influence of their white neighbours whose presence upon the reserves from time to time would be likely to promote understanding between Indians and other Canadians. It is considered desirable to raise the buckskin curtain at this time and to consider afresh the existing concepts of trespass upon reserve lands.

We take the attitude that the word should be defined in our act, as to what it actually means.

Previous to coming down here I happened to be on our reserve road for a couple of hours. During the time I was there there were four persons drove by. One was the baker, who comes in twice a week; another was the cream man, who picks up cream on the reserve; the third man was a veterinarian, who was coming in to inoculate some of our cattle; and the fourth was a man who sells Rawleigh's products. Every one of them, according to the Indian Act, was a trespasser. The act does not say how, where or when, but it simply says they are trespassers when they come on the reserves.

As far as we are concerned, we think this is the one clause that could very well be wiped out entirely, as far as progressive reserves are concerned, because it has a tendency to establish the word "reserves" in such a manner that people do not feel welcome.

I had occasion to discuss this with a legal mind, and he said to me this: "Moses, if you extended an invitation for me and my family to visit you, would you have to go to your council, or refer to the department, before you could do that?"

Honestly, I was puzzled to give an answer because, according to the act, it is not my privilege to do so. We have had instances where such things occur, where people could not do that.

Because of that, we feel that our reserves are no different. Honestly, we could not exist if it was not for the outside services we get on most of our reserves; and there is no place for such a word. There is only one instance, and that applies in the case of any colour—red, white or black—and that is where you get an undesirable person. I do not think we need to have an act to cover that; the local council can cover it. We recommend to this committee that they give serious thought to disposing of a word which is not received kindly by the people of the Six Nations.

Let me point this out to you: I have here before me a review of the activities by this department, 1948 to 1958. You go to the back end of it, and you come across the section which deals with enfranchisement. It is interesting to see what it says. If I could locate it, I would like to pass it on to you.

It is to the extent that in the years covered by this there were some 7,000, I think it is—just judging from memory—people who were enfranchised. Most of them, I assume were voluntarily enfranchised—a form of enfranchisement we approve of. We think everyone should have a right to enfranchisement, if he so desires. However, we are not in favour of compulsory enfranchisement—

The VICE-CHAIRMAN: This is page 36.

Mr. MOSES: —only in so far as it affects a band.

Say, for instance, if the Six Nations, as a band, took a vote as to enfranchise-ment, and they by a vote indicated, even by a small majority, they were in favour of enfranchisement, we feel that sort of a vote should receive consideration.

It would be too bad to wipe that compulsory clause out, and leave no provision for an instance of that kind. Because the majority carry it, it might still be contrary to the wishes of maybe a good part of the people, although the majority are in favour of it.

6,301 Indians were enfranchised. It goes on to state what an increase that was over the time previous to that.

In the next paragraph it says:

This very substantial increase is, in part, accounted for by the 1951 change in legislation, providing for the enfranchisement of Indian women who marry non-Indians, under which 1,763 Indian women were enfranchised.

That is a very definite form of compulsory enfranchisement.

I have already dealt with this matter, earlier in my efforts. I do not intend to say anything more about it; but to point out to you that these 1,763 Indian girls are trespassers the minute they come back to the reserve. That is a serious situation. When you realize, as I have pointed out, that on our reserve nine-tenths of the girls are in that bracket, you can well understand why we, humanly speaking, are concerned about this situation.

Mr. Chairman, I think I have come to the time when you want to close.

The VICE-CHAIRMAN: That is right.

Mr. MOSES: I would like to leave it at this point. This, ladies and gentlemen, is one of the serious conditions existing on the Brantford reserve.

The VICE-CHAIRMAN: Ladies and gentlemen, the committee is adjourned now until 3.30 this afternoon, in this same room. Mr. Moses will continue on this afternoon.

AFTERNOON SESSION

WEDNESDAY, May 18, 1960.
3:30 p.m.

The VICE-CHAIRMAN: Order, please. Ladies and gentlemen, I see a quorum. Now we can get started. Perhaps Mr. Moses would continue from item 6 where we left off this morning.

Mr. MOSES: Mr. Chairman, and ladies and gentlemen, if I might remain seated, I would be glad to proceed with the remainder of our brief. We were just discussing item 6. There is an old saying that Indian time is one hour behind white man's time. We thought maybe you were cheating.

However we dealt with trespassing, and we shall pass on now to No. 6, loans to Indians. We discussed that subject somewhat under No. 4, however, we do appreciate the fact that the department has a loan system which is partly effective. Our feeling in connection with it is that there possibly should be more money made available to the average young Indian who wishes to improve his home surroundings. Our own council of the Six Nations tried to provide a loan system in some measure, but unfortunately they have not enough money in their trust account to do it on a large scale.

Consequently we have a number of young boys who are trying to improve their homes, or to build new homes, and they simply have not been able to secure enough financial assistance to complete the job. We are not so sure that we are entirely right in this, but we feel that the department should make available through the Minister of Finance larger sums of money, and to make it easier for the boys to secure those funds.

We think it should be done on a long term basis, possibly one of 25 years, because in most cases it would be used today for home improvement. There is another and a new angle to it which I would like to bring before the committee. Just recently one of our young Indian boys completed his year for his B.S.A. degree, and for his thesis in connection with it he wrote the history of the Six Nations. It was rather interesting that he revealed in his thesis that on the Six Nations reservation the population is 6,500 odd, and that there are actually only seven Indians who are making their living from farming; just think, seven out of a population of 6,500.

There are others who are farming part-time, but who have as their permanent work other jobs in industry. Part of the reason for this is, as I pointed out this morning, the change from horse farming to mechanization.

It is quite true that young chaps in order to start farming today in a modern way would require from \$20,000 to \$25,000 in order to establish themselves with the kind of machinery which should be used at this time. In addition to that, you cannot get a modern young boy to farm in any other way; and because of that barrier, because of the impossibility of getting that money, many young boys who perhaps would make good farmers, have given up the idea entirely.

So it would seem to us that it would be in the interest of the Indians, and of the department, and of the country in general, if there could be established some means whereby we could utilize that valuable waste land. Most of the reservation is just as fertile as any other land in the area in which it is located, and it is just that one problem which makes it very, very difficult for young men to become farmers.

Now, out of 6,500 population according to this young man's figures—and I have checked them and they are approximately correct—there are about 2,400 of our people who live permanently away from the reservation. This is due to the matter I mentioned this morning, that there is nothing for them to do at home.

In some cases these young men are renting houses and paying high rent, and they have no other choice, because they do not have money enough to buy homes. Since they are still band members although away from the reserve, not because of any desire to leave it, but simply because conditions made it so that they must go away if they want to live decently, we can see no reason why these young people, even if not on the reserve, should not have some assistance from this department in the way of a loan to help them to make the first down payment on the property which they might purchase, be it in Toronto or any other city.

We cannot see why there is any risk in connection with it, because such property would be held as a first mortgage, and the department would have it as security, no matter what happened.

When you come to consider that there are some 2,400, and if we assume that 1,400 or 1,500 of them could make use of a loan system of that kind, you can see what an advantage it would be to these young people. I do not think I have anything more to add on the last statement. I hope, after I am through, there might possibly be a discussion when my colleagues will be called into the matter so that they can give me some help with this brief.

Let us turn now to page three, which has to do with the education of our Indian people; sections 13 to 122 inclusive, schools. You will recall that I stated this morning when we came here we wanted to be able to produce what we considered to be constructive criticism of the things we felt needed to be remedied.

We come to a point now where we want to say that we do appreciate the efforts of the department in regard to our educational work. In our trips around through the Indian reservations of the province we have found that our Indian children are being well cared for as far as education and educational facilities are concerned. We especially approve the transportation of our children to non-Indian schools, and we feel that this might well have been put into effect years ago, as much for the benefit of Indian children at large as for the benefit to white children, because we are of the opinion that if we are going to live down this racial feeling, it can best be done when children are small and at school.

I can recall back in my early days when I had the privilege of seeing my first movie. It was a silent picture shown in the city of Brantford. It so happened, as I think back to those days, that the picture had to do with a group of savage Indians, scalping a number of non-Indians, and I remember it so well, because it was a children's program and there were a number of non-Indian children sitting by me; and the feeling which that picture created in their hearts towards our Indian folks—they were crying out "kill them, murder them, and do this and do that to them". That always stuck in my very heart, and I always had a feeling it was an injustice to the Indians, to begin with. It was also an injustice to the white children, because it had been a generation or so since anything like that ever happened.

So, I think the more that we can have integration in our schools, the more our boys and girls can become acquainted and learn that each other are human beings, a teaching which should be the concern of everyone.

You will pardon me, Mr. Chairman, if I make some reference at this point to our Six Nations school set-up as far as our children are concerned. We consider we have, on the Six Nation reserve, a very efficient set-up, as far as our schools are concerned. We possibly are the only Indian reservation in the Dominion of Canada in which all our teachers are Indian, qualified in accordance with the regulations of the provincial educational department.

I understand there is a feeling among some of the officials in charge that it is not a good thing for Indians to be continually teaching Indians. But I can recall when we had a group of very fine non-Indian boys, in years when there was very little work, who had graduated as teachers and had no work to do. They came to the reserve to teach, and after being there a year they discovered their teaching experience in the year served there did not stand them for good, as far as superannuation was concerned, because they were teaching on an Indian reserve. We sort of lost them over night, because they were young men who did not want to be putting in service and getting no credit as far as superannuation went. But, just as that time, we had a number of our teachers who, through departmental aid, had graduated, and they took over our schools. There has been such tremendous progress from that day to this, that we are sold on the idea there is not anything in the argument that Indians cannot teach Indians, because our people have made a wonderful job

of it. Our supervisor is an Indian, a chap I think Ottawa would be glad to use down here, if he cared to come. So we are especially keen on our education. We want to congratulate the department on their efforts in that direction.

But let me say this: I feel, if there is anything wrong in our educational system today, it is with our own people. By that I mean we have numbers of parents who are more or less disinterested. I know from experience, because we have three teachers in my own home, and I can hear them talk at home.

It so happens that there are certain individuals who are not so interested in their own people on our reserves that they would put forth special efforts to induce them to go beyond public school training. This is unfortunate. Part of it is due to the fact there is work for both men and women today. Ladies are filling a different role from what they did when I was a boy. Consequently, where you find a mother and father engaged in business in the city of Brantford, or any other city, where the children are left, their own education is not given the important place it should have in the lives of those people. Consequently, some of the children become delinquents, through no fault of their own.

I happen to be on a committee known as the Brant County Juvenile Court Committee. It is a committee that was organized for the purpose of helping, eventually, the magistrate in his work. It is most interesting to me, because a number of those children come from our reserves. In every instance, those who appear have come from homes in which there is negligence on the part of their parents. It is not, by any means, the fault of the department. In other words, this is a situation we have got to clear up ourselves.

I think it is as well our people should realize and appreciate the fact it is an important thing to be a father and a mother today, especially with these children. In most cases they are some of the most brilliant children we have, but it so happens there is not an opportunity for them to go to school. As I pointed out this morning, in most cases there is not anything for them to do and the consequence is they become subject to the supervision of probation officers; and that in itself is not right.

I would say, in conclusion on this part of our brief, that we appreciate the work of the department; and we would advocate that, wherever possible and whenever possible, certainly integration should be introduced on a larger scale because, after all, we are all Canadians, we are all hoping and aiming to make this country what it should be, and that is the only way it can be done.

Then we come to the general recommendations, and I think I should read this and put it before the members of the committee.

The committee wishes to endorse the opinion of the Canadian Bar Association, which felt, in some instances, that the authority vested in the Ministry of Citizenship and Immigration was too extensive.

I think there is a general feeling that there is too much authority vested there. I notice, in reading most of the briefs which I have had the privilege of looking at, that some comment is made in this connection. It brings us back to this point—and I do not think it is a wrong feeling, but it is the right thing—we realize the Indians are thinking for themselves, and they would like very much to have less supervision by those who are officials, and more responsibility put on to their own shoulders.

If you read the Indian Act, you will see the minister has unbounded powers in his authority and duty, which he can pass on, according to the act, to the director in charge, even. I know Colonel Jones very well, and I know that he is not anxious to have such authority. I know that he has the feeling that the Indians should run their own business and be their own lords and masters as much as possible; and we do not think it is unreasonable for us to include that in our brief today.

The committee recommends that some revision be made in the act, so that more suitable differentiation be permitted between the less advanced and more advanced Indians and Indian reserves; as say between treatment of the illiterate Indian trappers—and I am not sure that is the best illustration to use, because a trapper could be a very intelligent person; however, it will serve the purpose here—as say between treatment of the illiterate trappers in the north and the educated Indians in the south, whose only common bond was that they were resident on a reserve. A start has been made in this direction in section 82(1).

That is the old story, and in discussing this matter with those of the department responsible, we feel that there should, if possible, be some kind of breaking the act down into one, two or more parts, if necessary, to suit the conditions of Indians throughout the Dominion.

I learned from my good friend, Senator Gladstone, that what we recommend here the people may not want at all. Depending on the state of advancement, I can see that is perfectly natural, but that does not destroy our thoughts, as to what our Indians of the province may need.

I am hoping that our department and the government will be so concerned about this that they will open up a wide door to those of our people who want to go ahead with less strings tied to their daily lives, in every way, to such an extent that, eventually, it will not be necessary for us to have an Indian Act at all. I do not expect I will live to see that day, but that is my great hope, that the day will come when such an act will go out of existence.

However, we are not forgetting these fellow-Indians, such as I described this morning, in Kenora, who need some protection, maybe for generations to come; but neither one of these two factions should stand in the way of the other; and there should be an opening and provision made, so that Indians in Senator Gladstone's area will have what they want. After all it is purely a matter of education. It is something which should be encouraged at the head office here of the government so that our people can become, as we hope they eventually will, full fledged citizens of this country.

I will now pass on to recommendation No. (3), use of earned interest on capital funds. This really should have come under the loan section.

That reservations be encouraged to assume the responsibility of management of the earned interest on their capital funds as was done at Deseronto and in conformity with section 68, subsection 1 of the Indian Act.

I do not know that we need spend time on this. I can again compliment the department for having already instituted this program. I am thoroughly convinced that our people will never, never make the strides of progress they should make until they are permitted to make their own mistakes and feel the results of them. I do not think there is any other way of doing it. After all, all the moves which are made here by the department have not proven to be successful, and so it would be with our people.

I think one thing which has been very injurious to the Indian people is the form of protection in the act which destroys the initiative of the person, so that he does not want to do for himself. I think that is a serious thing. I have a very vivid memory of what took place in that respect when I was a young man. I was a young married man on the reserve and was placed on the local school board. We were told by the Indian agent—thank God they have changed his name; they call him superintendent today—that because we did not share in the cost of the educational training of our children the school board was being abandoned. Because of that, for two or three years we had no school board. I was convinced that was a tremendous mistake. They were our children and we were concerned about their education. We were denied that up until three or four years ago. I point that out to show you that mistakes

have been made which were rather injurious and which have had a tendency to deny to our people the opportunity of assuming the natural responsibilities which were theirs.

Therefore, this move which has been taken is a move in the right direction. I will pass on to No. (5)

Rights and Privileges of Children born out of Wedlock.

That more protection and support be provided the Indian illegitimate child on the reservation. At the same time it is realized that Indian bands deserve protection from an unwarranted inclusion of illegitimate Indian children on band lists, particularly where the putative father may be a non-Indian.

This is a matter which has concerned we people who have an interest in our children in general. We are no different in this part of this country of ours. We have many children who are born out of wedlock. It so happens in the case of Indian mothers and non-Indian fathers that most of these children reside on the reservation in which their mother is, and so long as they are in public school there is no difference made between them and the Indian children. However, as soon as they pass grade 8 no provision is made for them. The poor children are not at fault at all in the matter. They are, however, the ones who are penalized.

We discussed the matter with the provincial authorities. They advised us that the education of Indians is the responsibility of the federal government and that there would have to be a change in the regulations before they could take care of them. As a result, those who are not bona fide Indians are in a no man's land; no provision is made for them.

Let me say now I understand there have been some verbal regulations to the effect that no child will be allowed to suffer from now on. It has been stated that if it is reported that such children are being denied further education, they will be looked after. I do not believe that can be in black and white, so long as it is not included in the Indian Act. It has been a problem in the past. We hope these children will receive an opportunity to go on to higher education. It is strange to say that a great many of these children are some of the brightest we have. It does seem too bad there has not been an equal opportunity for them to receive a higher education. We just leave this as a thought to you.

While the Ontario Indian advisory committee is of the opinion that the educational provisions of the Indian Act and facilities as provided under the jurisdiction of the Department of Citizenship and Immigration are generally adequate, it is felt that the whole matter of educational opportunities for Indians should be thoroughly reviewed with the purpose of removing any existing inequalities and of modernizing the educational opportunities provided.

The VICE-CHAIRMAN: Mr. Moses, I think you skipped No. 4.

Mr. MOSES: I am sorry. This is the section on unused valuable lands. I have spoken on this, but I did not read it to you.

That some remedial action should be taken to counteract the neglect of unused valuable land on certain reservations. It was pointed out that in certain instances reservations had asked for their land to be subdivided but had been advised that no surveyors were available.

This was a question raised by Chief Lorenzo Big Canoe, another member who is not here. He pointed out to us that his son was asking for a sub-division for summer lots on the reservation, and he was unable to get a surveyor in because he was advised there were none available. It so happened, however,

that a surveyor was sent in; under what conditions I do not know. Chief Big Canoe explained to us that this cost his son some considerable amount of money to have these lots surveyed. It may be said that this was a personal venture, since this boy himself was going to benefit. In any event whoever instituted the program and arranged for the survey felt that he should pay for it.

We wanted to raise this question so that it would be aired and we would find out where the Indian stands when it comes to the question of a proper survey of his land. During my term in the Indian office I remember it was suggested that the whole of the Indian lands should be surveyed. If that had been carried through, I do not know whether or not the trust fund of the Six Nations Indians would have been responsible for that survey. We are just leaving this to the committee as a thought, because in this case it was rather serious. I understand this boy is still paying a considerable amount of money in order to square off the expense of the survey of these lots. He is simply trying to improve his living; and by establishing summer cottages the whole band would benefit because there would be a certain amount of work and a certain amount of food consumed. From the band point of view it would seem to be a worth while project for the band as a whole. I am not prepared to say it is anybody's special responsibility to help in this respect, but we do think it is worth considering.

The matter of land not being used is something which is quite general on all reserves. I dealt with that at some length this morning. Let me repeat that I can see no future for more intensive agriculture on any of the reserves unless there is some very great encouragement given the Indian boy. Those of our boys who are working in industry today are receiving more pay on an 8-hour day job doing, less hard work with more security, and more leisure time to themselves than is the boy who is farming on a reservation. Farming is a from daylight to dark job, for very little remuneration. We are not overlooking the fact that the boy on the farm is always assured of a living. The provincial parliamentary committee which visited our Indian reserve very strongly condemned the disuse of good land. We as a committee have found no way in which we can remedy those conditions, unless there is some help given the average Indian to encourage him to look after his farm as he should. That would not take care of all the land that is lying idle. What happens is this—and I suppose in this respect it is a godsend that we are not paying taxes. We have numbers of boys who leave our reservation on Monday morning; they go on a pool car over to Buffalo; they go on to steel jobs; they make anywhere from \$15 to \$25 a day; they have a cost of living bonus during the time they are there, and they return home weekends. Their homes and farms are just a place to go to at weekends, and, naturally, they allow somebody to cut their hay, or rent the farm out to pasture to a non-Indian living near the reserve. Naturally, that is what any person would do, regardless of race or creed, under those conditions.

I think, Mr. Chairman, that concludes what I have to say as chairman. Let me say, though, before concluding, that when I started I suggested that what we had to say would be constructive, in the form of criticism. We would hope that this committee, in dealing with our brief, would not in any way feel that we were belittling or in any way casting a reflection on those of our fellow Indians who are not in the same category as we are. After all, the reason that we are more advanced in Ontario—as I pointed out this morning—is because we have had exceptional opportunities for so doing.

The Indians of the north have not had the same opportunity. We are concerned about them. We know that they have a hard road to hoe. We also feel that if this committee is deeply concerned in the welfare of our Indians as a whole, they will find a way out of it; they will give every encouragement to those of our people who want to go ahead, and they will afford such protective

measures, if they deem they are necessary—although we sometimes doubt it—that will look after the interests of those who are less fortunate than we are. Thank you, Mr. Chairman.

The VICE-CHAIRMAN: Thank you very much, Mr. Moses. Gentlemen, I am sure that Mr. Moses, Mr. White or Mrs. Simpson will be glad to answer any questions you have for them now. Therefore, we will open up the question period and we will let Mr. Moses direct the questions to either of the two delegates, if he so wishes.

Mr. THOMAS: Mr. Chairman, I was somewhat disturbed over the one statement that illegitimate children living on reserves—

The VICE-CHAIRMAN: I wonder if we might start at the first item, Mr. Thomas, and carry on down. I think the questioning would be a little more orderly, if we did it that way.

Are there any questions on No. 1, dealing with an Indian woman's rights after marriage to a non-Indian? Your explanation must have been very full, Mr. Moses: there are no questions on that item.

No. 2, on the burial grounds on the reservations? I might say that, either Mr. White or Mrs. Simpson, if you wish to comment on this during the question period, would you just indicate and I will let you do so.

Mr. WHITE: Thank you.

The VICE-CHAIRMAN: No. 3, outright possession of land?

Mr. BALDWIN: Mr. Chairman, I wonder if this is not tied up with No. 6, to some extent. I think we dealt with it last session, when we had a discussion somewhat along these lines. Reference was made to the provisions of the Farm Loans Act, now the Farmers' Creditors Arrangement Act, and the Farm Improvement Loans Act, the benefits of which are available to people outside the reservations who have farm lands. They can obtain loans on the security of their land, or their equipment and machinery. But because of the fact that Indians do not have title to the land, they, of course, have no recourse to the provisions of those acts.

Is it the opinion of Mr. Moses, for example, that if the suggestion contained in No. 3 was carried out, it should be outright possession, accompanied by title, or simply possession of the land? Do you mean title as well?

Mr. MOSES: Anything that would permit the Indian to use his land as security to purchase implements or anything else that he wants to.

Mr. BALDWIN: That would probably only be done by way of actually giving him title.

Mr. MOSES: I expect so.

Mr. BALDWIN: So he would hold title against the rest of the world, if that were done.

Do you think that would automatically make the situation somewhat easier, in respect of what you ask for in section (6)?

Mr. MOSES: It would, provided it was so arranged. We want the Indian to be able to use that property as security. We can see no reason why it should not be worked out that way. Not that the dealer could foreclose on the Indian and take his land, but he would have the right to dispose of it to another Indian to cover the debt the Indian owed him. That could be worked out to the advantage of the Indian people.

When the Farm Loans Act came into effect, naturally all the implement agents in our area were looking for business. When they came to the Indian people, they ran into the snag, of course, that the Indian was not in the same category. This was the provincial Farm Loans Act, I believe.

However, I know of one implement agent who overcame the difficulty. It was necessary, I think, that the purchaser should make a down payment of one

third of the actual cost. In order that he might do business with the Indian boys, the company concerned went ahead and paid the bank the one-third payment to start with, and then sold the implements and took a chance on recovering the debt from the Indian. It worked out very well; but, as you can see, when one Indian fell down and did not carry through, the whole thing fell through.

So what we need is something that will carry through; that is, a matter of security on our land. With regard to the outright title, I do not know why the Indian should not be permitted to use that. It would relieve him—as I said this morning—from that laborious form of administration which we have to face in so many things. We are not blaming anybody in particular for it so much; but the Indian should be able to arrange a loan with the bank that the average white boy can get. The Indian should be able to get it outright, by doing business with the bank.

Mr. GUNDLOCK: I am just wondering whether on this registration, or whatever is meant by it, could not some arrangement be made to obtain loans through the guarantee, maybe, of the band fund itself, or the band as a whole, rather than on a particular piece of ground?

Mr. MOSES: Rather than involving the title of land?

Mr. GUNDLOCK: Rather than a first mortgage—in other words, a demand note on the whole band itself. Could you not work something out like that within your band?

Mr. MOSES: I think that would be possible, in cases where the bands have sufficient funds to look after things like that; but there are a number of reservations which have little or no money.

Mr. GUNDLOCK: If a whole reservation had no money, an individual would have a lot less.

Mr. MOSES: Yes.

Mr. GUNDLOCK: Then you are asking, in effect, that this parcel of land be registered in title?

Mr. MOSES: We feel that that is the ultimate outcome of our Indian advancement. We have to assume that role.

Let me put it this way: most of our Indian people are buying cars, refrigerators, TV sets, and all that sort of thing. That is so arranged with the dealers that the dealer can recover. But the recovery is not any greater than it is in any white municipality. It is evident the Indians are willing to play the game, if conditions are in their favour. But, today, when you go to buy a tractor, it is \$2,500 or \$3,000 at the start, and dealers are not prepared to take that risk. No matter which way it is done, we are not especially concerned. We are concentrating on the fact that the more we, ourselves, as a people, can assume these responsibilities, the better it will be for the individual, and the Indian.

Mr. GUNDLOCK: In the case of the tractor, the collateral would be the machine itself. What you are referring to now concerns a much larger farm improvement loan.

Mr. MOSES: Yes, or for a home. I know one boy who built a home at a cost of \$8,000. He acquired the money from the band. However, when they gave him the money to build his home, others could not get a loan because they did not have sufficient money.

Mr. BALDWIN: Following along on what Mr. Gundlock said, you come to the distinction. Would you not find this distinction between a car and a piece of land: with regard to the car, or the truck, or the tractor, the remedy for non-payment is to take back possession. But, if you applied that very principle with regard to land, you would find it would involve taking back the land, in the case

of non-payment. The land would then be held by the credit corporation, and would you not have this restriction—that the farm credit organization, having taken possession, could only resell to another Indian on the reservation?

Mr. MOSES: Yes, but under the present regulations, that is the only way it might be done.

Mr. GUNDLOCK: But if you changed that regulation, that would be the end of the reservation.

The VICE-CHAIRMAN: Would you speak a little louder, Mr. Gundlock.

Mr. GUNDLOCK: As you said a moment ago, when they loaned to the one individual, they did not have enough money for others. I wonder if an arrangement could be made, like I suggested before, that they do not loan it, but guarantee it. That might spread it further.

Mr. WHITE: That would be the solution—the guarantee of the payment.

Mr. GUNDLOCK: It would seem to me that it would be difficult to maintain your reservations, if you got title to the land.

The JOINT CHAIRMAN (*Senator Gladstone*): If I may make a comment, Mr. Chairman.

The VICE-CHAIRMAN: Proceed, Senator Gladstone.

The JOINT CHAIRMAN (*Senator Gladstone*): I have seen the circumstances of what has happened in the States, in connection with Indians getting title to their land who, as the years went by, mortgaged their land for certain purposes—for stock, cars, and one thing and another; and finally the land was taken away by the mortgage company. As a result of that, there are Indians living in Montana today, who ordinarily would belong to that reserve, but are landless. It was indicated the reserve would disappear. That is just a thought.

The VICE-CHAIRMAN: I am certain that I do not have to point out to the delegates here that that is the consequence of a clear title, if there are no other restrictions. I am sure all the members of the committee realize that. If it is thrown wide open and they had clear title to it, the land could be mortgaged. Then, the sequence, likely, in the near future, would be the title of the land would be turned over to a non-Indian. That is the natural sequence that might follow.

Mr. BALDWIN: Since this has a legal aspect, we could consider later on that there are restrictive covenants. Sometimes a person gets title on the basis he cannot sell to any other than a certain type of person. There has been a lot of litigation in regard to summer resorts. We know it is desirable to have these restrictions. However, there are certain types of restrictions. There would be that possibility to consider—the title to land on Indian reserves held by an Indian, subject to the restriction that there could be no sale to anyone other than another Indian. That might be a worth while solution to consider at some time.

The VICE-CHAIRMAN: Colonel Jones might have a partial answer to that question.

Mr. JONES: I am glad you said partial answer, Mr. Chairman. It is a matter of policy as to whether land should be broken up or remain as Indian reserve. I think an amendment to section 88 might help the cause, whereby an Indian could voluntarily waive his rights to the seizure of chattels. The big stumbling block they face is not being able to borrow.

Section 88 also provides for a conditional sale, where the title of the asset does not come on the reserve, and the vendor can seize it. However, there is no way that any personal property can be seized on an Indian reserve, and I think a good look might be taken at this section to provide that an Indian can voluntarily waive his rights for exemption of seizure of chattels, if he wished to, in order to secure credit.

The VICE-CHAIRMAN: May I say that that would not have to do with land.

Mr. JONES: No; chattels.

The VICE-CHAIRMAN: But not land?

Mr. JONES: Not land.

The VICE-CHAIRMAN: Are there any further questions, gentlemen, on No. 3? No. 4 is next. That has been partially discussed before. Are there any questions on No. 4? No. 5 is next.

Mr. BALDWIN: I was reading the provisions of section 80 of the act, which is the one that gives permission to the band council to make certain by-laws and regulations. I notice that subsection (p) of section 80 provides that the band council may make regulations providing for the removal and punishment of persons trespassing upon the reserve or frequenting the reserve for prescribed purposes. It seems to place some right on the band to deal with it. I was wondering if there is any conflict between that and section 30, or is the one supposed to be additional to or alternative to the other. Probably Colonel Jones might like to explain that.

Mr. JONES: I really would not, because I am not a lawyer.

Mr. BALDWIN: Do not let that stop you.

Mr. JONES: It is quite complicated. I believe, under section 80, the by-law would just be operative after a conviction for trespassing. Section 30, as Mr. Moses said this morning, just provides a penalty; it does not set out what constitutes "trespass". That is left to the courts of the land to decide.

Mr. BALDWIN: The reason I raised it is that subsection (p) says:

The removal and punishment of persons trespassing.

I was wondering if that was an answer to what Mr. Moses wanted—the council to prescribe what "trespass" was, so the regulation would contain a definition of trespass.

Mr. JONES: I think, under the old act, it was spelled out. Is that correct?

Mr. MOSES: I would not be sure.

Mr. JONES: My understanding is that it was just put in when the act was amended in 1951. I am not sure. Perhaps one of the reasons why section 30 was put in is because it is tied up with the definition of a reserve—a piece of land which is held in trust by Her Majesty for the use of a certain group of Indians. I am inclined to think there is some relations between that and section 30, the trespass section. We feel that "trespass" is a matter for the courts to decide. I rather gathered from Mr. Moses this morning that superintendents should take the action on "trespass". We, of course, frown on that. We would much prefer that any complaint be laid by an individual Indian. I do not feel a council of a band can file the complaint because, in our opinion, a council of a band is not a legal entity. The course of action we recommend is for an Indian to go to the R.C.M.P. and lay an information. I think the superintendent should be kept out of it, if possible, and only act as an adviser and guide.

Mr. BALDWIN: Possibly the legal officials of the department might examine this clause. There might be some merit to the thought I have thrown out, that this might be wide enough for the council to define what is a trespass. That might permit them to originate the whole process, so that the summons of course would be issued by the individual against the person who has done the trespass, possibly; or the officials might examine it. So there might be something to it.

Mr. JONES: It is certainly a legal problem.

The VICE-CHAIRMAN: Could it be included under the clause of the act as a trespass?

Mr. JONES: As I have said, I am not a lawyer, but I do know that the former parliamentary committee spent a lot of time on this matter of trespass. I think it is something which the committee, and the legal advisors should take a good look at again, and try to spell out, if that is the answer, what constitutes a trespass; and also, although it is a little irrelevant at the moment, to do something about the legalization of the status of an Indian band and of an Indian band council. The advice we get is that neither one is a legal entity.

Mrs. SIMPSON: May I speak about one of the Indians on our reservation, and how they enforce this so much in some cases, while in other cases they do not.

We have a young man in his twenties, who was hunted by the R.C.M.P. and made to feel like a criminal. The only complaint they had against him was that he was not a member of the band. Consequently he had to hide out every time he saw the police coming. That must do something to such a young man. It must give him an awful complex to be hunted by people just because he visited their homes. That was the only home that he had; it was the only place that he had ever lived, and just because he was not a member of the band where the rest were, he had to hide from the police.

Now he has a position with the Canadian National Railways Company at Paris. I cite this instance to show how they can carry it too far, without studying it.

The VICE-CHAIRMAN: Did I understand you to say that the band council had no right here, so far as trespass was concerned, and that it had to be the individual who laid the complaint?

Mr. JONES: That is the legal opinion that we get, that the information should not be laid by the council, but by an individual Indian, by a member of the council, but not in the name of the council. The legal opinion we have is that the council is not a legal entity.

Mr. THOMAS: Colonel Jones, in connection with that, where would you think that the basis of that legality would lie? Would it be under the federal or under the provincial government?

Mr. JONES: What basis?

Mr. THOMAS: The legality of the band or of the band council. I realize that a band council is set up under the authority of the Indian Act, and that the Indians can elect the band council. But you say you have a legal opinion to the effect that the band council is not a legal entity.

Mr. JONES: I would not care to say, except that we are going to ask the committee to take a good look at it. It is involved because if you make the band or the council a legal entity, then they are like a municipality, and may be sued, or made responsible for every action they take.

I would think, only as a guess, that legislation under the Indian Act could legalize them; but I suppose you are thinking of a municipality, or a form of government which might have to be tied in with statutes of a province. I do not know, but I would think it would be within the provisions of the Indian Act.

Mr. THOMAS: Colonel Jones' statement implies that while a band may be set up under the Indian Act and the band council elected, that they do not seem to have any power as a band.

Mr. JONES: They cannot sign contracts. The minister signs on their behalf. The powers of the council are defined in the Indian Act. But in the broader aspects, the Department of Justice tells us that the Indian band or council have no legal status.

Mr. THOMAS: That is why the Indian band council would have no authority or no right to lay a charge of trespassing?

Mr. JONES: That is right; but the individual has the right.

Mr. MOSES: May I ask a question in that respect of Colonel Jones? I was in Ottawa some time ago when I was talking to one of the officials about this point, and he advised me that there was a reservation up north where an Indian missionary wanted to get permission to go in to preach on that reservation. He was not a member, and he had to go before the band council. The council admitted him, and he started in on his work.

However, in a short time he began to say some uncomplimentary things about the old churches that were established there. Then the council withdrew their permission, and passed a resolution to move him off the reserve. The matter went before a magistrate's court, and the magistrate upheld the council. Then the minister and his supporters appealed the case, and it went before a judge who ruled that religion was free, and that you could not put a person off because of what he said. That is the thing we are concerned about, things of that nature.

Mr. JONES: That was, I believe, out west.

Mr. MOSES: Yes, somewhere out west.

Mr. JONES: I think the finding was that the person was on the reserve at the invitation of a member. As long as he was not creating a disturbance he was not in trespass, as I remember the case. Is that not right, Senator?

The JOINT CHAIRMAN (Senator Gladstone): That is so.

The VICE-CHAIRMAN: Any more questions on item 5, Mr. Gundlock?

Mr. GUNDLOCK: If I may refer back to it a moment, this is in connection with this same thing, the legality of a reserve. We were talking about credit a moment ago. If they are not a legal entity, they could not assume any financial responsibility either, is that the case? If it is, I would like to ask Mr. Moses—who mentioned a moment ago there was some responsibility you thought certain reservations should be able to accept now—would you say your band would be willing to accept that legal entity, for certain purposes, at least?

Mr. MOSES: No, I do not think that I would go that far, because I am not sure whether they would or not. But we feel that is one thing that would give the boy who wanted to progress and go ahead some inducement, and he would then make a better success of life. As it is now, he has no way of getting out of the rut.

Mr. GUNDLOCK: If the band or the band council is not a legal entity, it seems to me it would be very difficult to establish credit regulations.

Mr. MOSES: I wonder if that is a good thing, it should be that way.

Mr. GUNDLOCK: That is what I am asking. The way you spoke, or some of the things you mentioned, led me to believe you were more or less ready to accept probably the responsibility or the status of a municipality, shall we say.

Mr. MOSES: As far as I am personally concerned, I think that is the opinion of many others, but I would not want to make that a general statement, of all the people we have interviewed and know.

Mr. GUNDLOCK: Do you think there are certain bands that are in that position?

Mr. MOSES: Yes, I do.

Mr. GUNDLOCK: And should be given that responsibility?

Mr. MOSES: Yes, absolutely. One of the problems I see here—and this is not unnatural—Let me put it this way: I was asked to give a talk to a certain group, a service club, in the city of Brantford, and a chap came up to me and said, "Well, how are you people getting on down there?" I happened to know this man worked in a shop with Indian boys, doing the same job and getting the same pay, and doing just as efficient a job. But in this man's estimation, he was up here and the Indian was down there.

I think that is one thing we are labouring against, even in a committee like this. People cannot conceive the situation in which the Indian can be on his level in all respects. I think that is possible. They proved it in the wars in the past. They had no hand-outs in the wars, they fought and died like everybody else. But when it comes down to everyday life, as I say, we are having to labour that point with individuals and even in a committee like this.

Mr. GUNDLOCK: I can envisage, along the lines you spoke this afternoon, there are reservations that are not only willing but able to take their place in an improved status, for this general purpose.

Mr. MOSES: These 2,400 I spoke of, they are meeting the same conditions as any non-Indian in the industry they are engaged in. I have members of my own family, and I do not see they are any worse off than any who are on our reservation. Some of them are in the city of Toronto. I do not think it is fair to suppose that the Indian, because he is an Indian and because of his racial background, cannot rise to a point where he is just as efficient as the next man. We may be a little advanced in our thinking, but I think that is coming.

Mr. GUNDLOCK: I think it is pretty well established, in an intellectual field, and everything else, that the Indian is not only equal to, but might be more advanced—at least, is every bit equal in education, and everything else. If they are, there must be a time when they can take that step forward.

I would like to hear you say to the committee here that there is a band that is ready to take on that little extra responsibility.

Mr. MOSES: We believe the band at Walpole Island is one, the Six Nations and Deseronto. And there are probably some of the other smaller bands in southern and western Ontario who are capable of doing it.

Mr. GUNDLOCK: I do not see, in all deference to everyone concerned, how we are ever going to get very far until some band will really take that step and lead the way.

Mr. MOSES: The thing we have in our minds is the fact that the Indian, as an individual, in his natural life long ago, was a very intelligent individual, and could make a wonderful living in his natural way of life. But when it came to a point when supervision had to be taken over him and the government stepped in, they concluded they would have to make special provision for him, because he was subjected to new ways of life.

Down through the years, we feel the initiative of our people has been destroyed; and we feel where there is evidence of it, they should be encouraged to assume that role.

The VICE-CHAIRMAN: We are getting a little away from trespass.

Mr. GUNDLOCK: Legality ties in in so many ways.

The VICE-CHAIRMAN: That is why I did not stop the questioning. Are there any more questions on No. 5?

Mr. ROBINSON: Before you get away from this subject too far, I would like to say that up our way we have two Indian reserves. The remark Mr. Moses made about this committee looking down a bit on Indians does not apply to this member of the committee.

The VICE-CHAIRMAN: Nor to me either.

Mr. ROBINSON: I have been overseas with those boys. In our district they are considered to be just as good as we are ourselves. I just hope that that statement of Mr. Moses does not go unchallenged.

Mr. MOSES: I do not think I meant it in that sense. It was only in the sense that it affects the business relations of our people. As a people, we appreciate the fact that we have many friends.

Senator MACDONALD: I think I should direct this question to Mr. Moses. Would there be any serious effect if the word "trespasser" was taken out of the act altogether?

Mr. MOSES: I would say definitely not; unless it be in respect of Indians who still are in a primitive condition. So far as the Indians of my reservation and the reservation of my colleagues, and many others, are concerned, I see no need for the word "trespasser"; none whatsoever. I could give you a personal example, but I do not wish to do so, in respect of my own family. That is not my purpose here.

The brief of the bar association backs up what we have to say in this connection. We think that is one part of the act which could be dispensed with. It is all right to hear that it should go to court, but why? I recall so well a number of years ago being invited by the mayor of the city of Brantford to take two persons in Indian costume to the mayor's convention in the city. The late W. F. Cockshutt when he got up to introduce the two Indians and myself said to the mayors: "One thing we are labouring with in connection with our Indians is that we have too many bad useless laws governing our Indian people". He said "What we need is fewer laws and better laws".

This trespassing is one of those laws which has a bad effect on people in general. In one case there were some 200 or more young girls who were married out. I knew of one case where a girl in a similar condition had been forced off the reserve and the people concerned had been urged to take the matter to court. There was no reasoning behind it. It affected girls who were married out. I submit that in all sanity we cannot see where it should have any place.

The VICE-CHAIRMAN: No. 6, loans to Indians?

No. 7, schools?

Mr. THOMAS: Might I ask Mr. Moses if the Indians on his reservation are satisfied with the educational facilities now being provided.

Mr. MOSES: I would say yes, sir. I believe that the standard of education of our young people today is equal to that in any of the rural municipalities off the reserves. Our school inspector advises us that so far as school equipment, accommodation and teaching staff is concerned we are on a par with any for which he is responsible. I would say we are perfectly satisfied. We are not satisfied that numbers of our young people do not go on to higher education, but I think I showed that that is a point which could be remedied at home by getting the people to recognize the importance of it. I say we are satisfied and I congratulate the department for its efforts in that direction.

The VICE-CHAIRMAN: Are there any questions under the general recommendations?

No. 1.

Mr. ROBINSON: Under No. 1, it brings to mind the matter of the purchasing of supplies for reserves. Up our way I found that a superintendent on occasions has advertized and outside firms have been given contracts for the supplying of certain items. In my opinion I think that might be left to the Indian band council which, I understand, has no legal entity as we have been told. I think the council would rather see those tenders given to the local merchants with whom they deal from day to day and from whom they occasionally receive certain favours. I know up our way a lot of the Indians as well as the merchants are not happy to see it done the way it is. If there is more legality given to the band we might be able to have them let those contracts if they saw fit to do so. I am not saying the superintendent is doing wrong, because he has to follow the regulations. I wonder if Mr. Moses would care to make a comment along that line. Would it be in line with his thinking?

Mr. MOSES: If I understand it correctly, sir, you are referring to, for example, the construction of a school?

Mr. ROBINSON: More so in respect of small supplies such as oil, paints and one thing and another like that.

The VICE-CHAIRMAN: Are these expenditures from the band funds or expenditures made by the government?

Mr. ROBINSON: It is the band fund which is being used, but it is supervised by the superintendent. It is not grants from the government.

Mr. JONES: The general rule is to have band councils call for tenders when they are spending their own money. So far as I know they always go to the people in the neighbourhood who have given them good service. Provided they call for tenders and recommend the lowest, it is just a matter of routine having it approved. We are all for that sort of self government. I do not know why they would go far afield if the facilities are there.

Mr. ROBINSON: For instance, there has been a tender recently accepted for our reserve up there which was allotted to a company in Ottawa. That is for oils. No doubt they have some local agent up there who is going to supply that for them.

Mr. JONES: Oil for heating schools?

Mr. ROBINSON: Yes.

Mr. JONES: I do not think the band would pay that.

Mr. ROBINSON: I was given to understand by the department that that was so.

Mr. JONES: With regard to oil for heating schools, tenders would be called by the departmental purchasing agent in Ottawa.

Mr. ROBINSON: Yes, it was done that way.

Mr. JONES: Indian affairs appropriation would pay that, not the band.

Mr. ROBINSON: It is band money paying for that, is it not, Colonel?

Mr. JONES: No.

Mr. ROBINSON: I was given to understand it was.

Mr. JONES: That would be dealt with by the departmental purchasing agent, who calls for tenders and lets the contract.

Mr. GUNDLOCK: I know of a case on exactly the lines that the member is talking about. Up there, a few weeks ago, there was a tender called. I do not want to digress, Mr. Chairman. If I am out of order, just tell me.

The VICE-CHAIRMAN: That is all right, Mr. Gundlock.

Mr. GUNDLOCK: No, there was no tender; but this was a purchase of lumber for homes on the reservation from band funds, and due to a temporary road ban, rather than put out a public tender, tenders were invited. I think that is rather a flimsy excuse. A couple of weeks later we got a blast back from it. That is to back up what was just said. I think it is rather bad practice, particularly when it is on such a flimsy excuse.

The VICE-CHAIRMAN: I suggest, Mr. Gundlock, that you get in touch with Colonel Jones privately, if there is a case that you want to deal with.

Mr. GUNDLOCK: I am not going to say anything about it, except to back up what was said.

Mr. ROBINSON: It leads to better feeling between the Indian and the local merchants if they deal back and forth more, and do not have those things go outside.

The VICE-CHAIRMAN: That is a little apart from No. 1 of these recommendations.

Mr. ROBINSON: I do not think so, Mr. Chairman, it is giving that band more authority.

The VICE-CHAIRMAN: Yes. No. 2?

Mr. BALDWIN: Mr. Chairman, I want to make a very brief comment on that. It is a matter which Mr. Gundlock has touched on before, and I think it is very vital and brings up the question of the ability of a band, when they have progressed to a certain stage, to take over additional responsibility.

The department seems to recognize that. I think you refer to that in your brief, Mr. Moses; you refer to section 82 (1), which apparently gives a band council of a certain type, with the approval of the governor, the right to enlarge itself so far as passing regulations are concerned.

The question arises now, Mr. Moses—in direct response to Mr. Gundlock's question—do you feel that section 82 (1) should be enlarged even more, to give a band council which has reached an advanced status certain additional privileges; and do you think that that should include the fact that they be classified as a legal entity?

Mr. MOSES: On the first part of the question, I think our committee would say yes. Just what the second part would demand of our Indians, I am not sure.

Mr. BALDWIN: The general provisions are, in the majority of municipal legislation, that when a town or city is set up, it says, "Such-and-such shall be created as a town, with a capacity to sue and be sued", and with all the other responsibilities of a legal entity.

So, if you want more benefits, equally, responsibilities go with it. The question is, you are not sure at this time whether or not your people would want the responsibility of that increased status, if it entailed being known as a legal entity?

Mr. MOSES: I would say, yes. I do not see that it is any good our sitting here trying to go part way on something and trying to make you people feel that we want what is good for us, and then back down on a thing which brings us just a little responsibility. I cannot see that. I think we have to follow through.

I might go on further and say this, that—as I said this morning—I think taxation has been put up to us as somewhat of a scarecrow. Take our own case. We are living on a very old property at home. During 40 years of married life we have sufficient buildings on the reserve that, if it were sold, and if we were on enfranchised land, that would be worth anywhere from \$30,000 to \$40,000. If we were to offer our farm for sale today, with these buildings on, we would do well to realize \$10,000 or \$15,000.

Here you have no taxation on one side, and no value on your property. On the other side, you have valuable property because you are paying taxes. It does not seem reasonable that we should sit here and try and make you people feel we are asking for one thing and we want to be relieved from the other. I do not think that makes any sense; it does not matter whether you are red, white, or black.

The VICE-CHAIRMAN: Are there any further questions on No. 2? No. 3? No. 4? No. 5? Mr. Thomas, I think you had a question on this.

Mr. GUNDLOCK: If I may go back to No. 4 for a moment, Mr. Chairman. This says that no surveyors are available. Whose responsibility is that? I think that question was asked. Whose responsibility is it to survey? That might be cleared up by Colonel Jones.

Mr. JONES: Each year we place before the surveyor general of Canada, who is an official of another department, our requirements from coast to coast on surveying needs, both the boundary and the specific one where you sub-divide into lots. That is at no cost to anybody but the taxpayer of Canada. It is not

even charged to the Indian affairs vote. We get full cooperation from them. Of course, we know how much to ask them to do, because they have other responsibilities besides Indian affairs. But, as a rule, they will take on and make available staff to do our surveying throughout Canada.

As a matter of interest, through negotiation, we have had one of their staff seconded to us for the winter, in order to work more closely with the details of our requirements, and to bring our records into a little better shape.

I suggest that what Mr. Moses is speaking about is that Chief Big Canoe went out and hired a surveyor on his own.

Mr. MOSES: He did not give us that understanding.

Mr. JONES: We do not hire any surveyors; the surveyor general does, and it is charged to another department's vote. However, on occasions, Indians have hired surveyors on their own, and paid for their services out of band funds, which they are entitled to do.

Mr. MOSES: I am sorry, if that is the case. Did you understand that?

Mr. WHITE: No, I did not, because he is paying the money to the Indian agent now. That boy is paying to the Indian agent now for the surveying job.

Mr. JONES: I would not be surprised that that was a local surveyor brought in.

Mr. MOSES: You are sure that it would not be the department?

Mr. JONES: Oh, no.

The VICE-CHAIRMAN: As I understand it, this was on a piece of property which belonged to him.

Do I understand from you, Mr. Jones, that you will go out and do individual surveys of individual properties, or is it for a band?

Mr. JONES: It is for a band. They will make the external boundary surveys and they will, at the request of the band, transmitted through us make the sub-division surveys. I could be wrong, but I do not recall that we ever asked the surveyor general to set aside the services of a surveyor to go in and survey one Indian's property. There are so many reserves that need complete surveys. They are away behind.

Mr. MOSES: If he had his band council pass a resolution to that effect, would you go in and do the survey work?

The VICE-CHAIRMAN: Not on an individual basis.

Mr. JONES: It would not rate much priority, because it would be for the benefit of one individual, and we are after bigger things than that. We are too far behind, as it is. The needs of many reserves are much greater than the needs of individuals. However, that does not stop him. I think he has hired one on his own.

Mr. MOSES: I am sorry if we have not the right slant on it.

Mr. JONES: I will be glad to look into it, and write you a letter on it.

The VICE-CHAIRMAN: Are there any other questions?

Does that answer your question, Mr. Gundlock?

Mr. GUNDLOCK: I take it from Mr. Jones' remarks then that, generally speaking, in the case of a band as a whole, the responsibility is with the department.

Mr. JONES: I may say there are a few areas in Canada—and I am speaking of Indian reserves—where surveyors are not welcomed.

The VICE-CHAIRMAN: No. 5 is next. Mr. Thomas, I believe you had a question on No. 5.

Mr. THOMAS: Possibly this will do for both No. 5 and No. 6.

I understood from Mr. Moses' experience that the feeling was that illegitimate children do not have the same opportunities to attend high school as legitimate children. I wonder if Colonel Jones would care to comment on that statement by Mr. Moses?

Mr. JONES: I was interested when I heard Mr. Moses mention this.

The minister made an announcement in the house recently to the effect that certain people of Indian descent, living on reserves, would receive welfare and educational services. Those are generally widows of marriages out of the band, and they have come back with their children. This does not give them Indian status, but they will be looked after, the same as anybody else. Frankly, that poses a nice question, because it has to deal with non Indians on the reserves, and you are taking that a step further, for higher education.

Mr. MOSES: They are still on reserves.

Mr. JONES: Yes.

Mr. MOSES: I might explain, Colonel Jones. In most cases, of course, the fathers of these children may live in Buffalo, or maybe anywhere. They assume no responsibility as fathers of the children. The natural thing for them to do is to go home to their mothers and grandparents on the reserve, and remain there. It came to our notice particularly, because the superintendent of our schools pointed out that he had at least three very splendid pupils who could not go further because they are in that category. We discussed it with the provincial group. They washed their hands of it, and said their educational requirements would not permit it. They were just between the devil and the deep blue sea, as far as their future education was concerned.

Mr. JONES: Your problem would not be a problem, if we had high schools on all Indian reserves.

Now, it is not usual for a civil servant to declare government policy, so I would not like to state at this moment that children not of Indian status but of Indian descent who have been living on reserves and receive their elementary education, would be allowed to go on. We will take a look at that, Mr. Chairman, because it seems reasonable that if you are going to look after them up until grade 8, there should not be any dividing line as to higher education for these people with Indian blood but not of Indian status.

The minister's announcement said "education on reserves", and I would not care to go any further except to say that we will take another look at that.

Mrs. SIMPSON: Could I ask a question?

The VICE-CHAIRMAN: Yes, proceed.

Mrs. SIMPSON: We have a young boy on our reserve, who is attending high school, and they have to pay the transportation on the bus. I think it amounts to \$10 or \$12 a month. This woman and her husband departed, but the child has always lived on the reserve. He goes to school in Cobourg. He is a very clever boy. He is 15 years of age now. He was not taken into the band, when so many others were; so, he attends high school in Cobourg. His mother is having quite a time to pay his way and tuition. She also has to help her sick brother, who is in the hospital, as well as his family. She is doing very well to work out and pay them.

I would like to know if I could have a chance to make a plea for Indian women, to raise their standard. Always, the Indian woman has had the heavy end of the log to lift. Long ago they always had to skin hides and carry the wood, and do all the work—and they still have. But now, it is almost the other way on. They do still less now. What happens now is that without being told that they are supposed to dry the dishes, they do. So, the tables have turned but still, we have a long way to go.

I was wishing that we might discuss the problem of illegitimate children. I fear they are like the poor: they will always be with us. Still I do not like to see them in our reserves, where people know that they are illegitimate; and when they do not belong to the band they have that feeling. It is too bad to have them grow up with that feeling, that they do not belong anywhere.

So I would like to have the status of the Indian women raised and more help given to the homemakers. We have homemakers societies all over, and we are affiliated with the Women's Institute. Sometimes you can hardly blame our Indian chiefs and our Indian councils. They are afraid of any innovations anyway. They think perhaps they just want to have us franchised, and the idea of being franchised is like a sword hanging over their heads. They are afraid of any new venture.

But if the idea were put to them gently, it might be more acceptable. In conclusion, I would like to make a plea for the Indian women.

Mr. BALDWIN: May I say one thing? Is there now, or if not, could there not be what Mr. Moses might be interested in, namely, some provision for legal adoption, so that what were illegitimate children might become adopted by the mother, or by the grandparents. I am not asking for any comments. I just raise the point as a suggestion.

The VICE-CHAIRMAN: That is something which the committee could consider.

Mr. JONES: We will be submitting something. That is a touchy problem, and we have quite a few thoughts to give you on it.

The VICE-CHAIRMAN: It is nearly five after six. Do you want to try to complete this brief? I do not know if Mr. White has anything to say or not. Do you want to complete this, or would you prefer to come back tomorrow morning at 9:30? What is the wish of the committee? How long would it take you tomorrow morning?

Mr. WHITE: I have to leave by train this evening.

The VICE-CHAIRMAN: Have you any remarks to make?

Mr. WHITE: No, I think it has been pretty well covered.

The VICE-CHAIRMAN: Are there any more questions? Mr. White will not be available tomorrow. Does that complete your questioning? If so, on behalf of the committee may I state to Mr. Moses, to Mrs. Simpson, and to Mr. White how much we appreciate the very fine thoughts and ideas you have submitted to us in your brief; and you presented it in a very fair way.

I am sure the committee will give every consideration to your very, very good brief.

If there are no more questions we shall adjourn now until tomorrow morning at 9:30 in this same room, and I would ask all the members of the committee to see that we have a quorum at 9:30.

Mr. THOMAS: What is the meeting for tomorrow?

The VICE-CHAIRMAN: The Indian-Eskimo Association will be here.

APPENDICES

Appendix	E1	Albany Band
"	E2	Canadian Friends (Quakers) Service Committee
"	E3	Caribou Lake Band
"	E4	Frontier College
"	E5	Gull Bay Band
"	E6	The Indian Council Fire of Canada
"	E7	Martin Falls Band
"	E8	National Spiritual Assembly of the Baha'is of Canada
"	E9	Pays Plat Band
"	E10	Rama Band
"	E11	Saugeen Band
"	E12	Temagami Band
"	E13	Trout Lake Band
"	E14	Trout Lake Band (Bearskin Group)
"	E15	The Unitarian Congregation of South Peel

APPENDIX "E1"

ALBANY BAND

Albany Indian Reserve,
Fort Albany, Ont.
Oct. 5, 1959.

The Secretary,
Parliamentary Committee on Indian Affairs,
Ottawa, Ont.

Dear Sir:

These are some of the things that are our greatest concern:

The families of this reserve live on the reserve during the summer and go inland each fall to trap for the winter. Trapping is our only way of making a living. There is no other way here. The only other work is a long way from here at southern settlements. The only way to get there is by air or water, both of which cost a great deal. We cannot afford to go because it would cost us all we earn to pay our travelling expenses. So to make a living we must go inland to trap each fall until spring.

In order to go inland to trap we need supplies. There is no work for us here in the summer so we have no money in the fall to buy these supplies. We need the advance of money very badly or we cannot go.

Trapping is like farming—some years it is good, some years it is bad. If it is bad we are liable to suffer very badly because then we have no money to live on and no money to pay back an advance. We would like to see some kind of work established here that we can stay on the reserve and work at steadily.

Often the amount we earn trapping is only enough to pay back our advance and support us during the winter. This means that we have nothing to live on during the summer because there is no work here. The only thing we have to live on during the summer is Old Age Pension, Widow's Allowance, and Family Allowance. This is not sufficient because our families number anywhere from five to a dozen children. Our children are underfed and do not have enough warm clothing. They are always getting sick because of this and we have no nursing station here on the reserve and the nearest doctor is about 150 miles away by air. There is no possibility of getting emergency medical aid. If there were, many lives would be saved, and much suffering would be prevented.

Since we moved over here to the Reserve from Albany Island last year we have not had any houses to live in. We are living in shack tents which are cold and overcrowded. Most of them leak badly. All of these conditions are hard on our health. If we had nails and spikes and roofing we could build our own houses. There is plenty of large timber here.

We have to pay more than outside prices for articles in the stores here. Even gas for our kickers is \$1.00 per gallon. This makes the cost of living here very high but our income is very low. The returns from our fur is small. December is good but in January sales are very poor which makes it imperative that we receive advances early so that we can get in on the first sale lots of fur. Quite often there are four in one area; so some of us have great difficulty in getting enough fur to live on.

We are very thankful for this new school which the government has built on this Reserve. But some of our children are not able to attend school for all of the ten school months of the year, because we must take them to the

bush with us when we go inland to trap from October to March. This means that our children are not in school long enough to get an adequate education.

This year trapping season extends only from Oct. 15th to March 15th. This means that for six months next year we are going to be totally unemployed with no income whatsoever other than family allowance. How will we feed and clothe our families?

In summing this up we wish to make the following suggestions which if carried out in part or whole will help to alleviate our present distressing situation:

1. See that every family gets an advance for trapping according to his need.

2. Help us to procure nails, spikes, and roofing so that we can build ourselves houses.

3. There is a great deal of large timber here which would be good for milling if we had a sawmill. This might provide us with much needed work and help us to make a living for ourselves.

4. If we had some equipment for making gardens and the seed to plant we would be able to grow some food for ourselves.

5. Provide us with a nursing station here or provide gas and oil for our motors to use in emergency cases.

6. If the government day school could be closed for two months during the winter when our children are away in the bush and opened for the two summer months of July and August then our children would be able to receive more education.

We hope that this will be given your sincere consideration.

Yours truly,

Chief James S. Wesley
Mr. James Wesley, Chief,
Albany Band No. 376,
Albany Indian Reserve,
Fort Albany, Ont.

APPENDIX "E2"

BRIEF SUBMITTED BY CANADIAN FRIENDS (QUAKERS) SERVICE COMMITTEE TO THE PARLIAMENTARY COMMITTEE ON INDIAN AFFAIRS.

To the Parliamentary Committee on Indian Affairs:

We wish to express our concern about the native Indians of Canada.

While we recognize that a fair number of Indian-Canadians have built for themselves a satisfying and dignified position in the Canadian community, and that greatly improved though still inadequate educational facilities have been the chief factor for achieving this end, we are aware that as a group, Indian-Canadians are on a very much lower economic and social level than that of most other Canadians. While we recognize that the Canadian Government is trying very hard to help the Indian-Canadians in various ways we feel its efforts are not satisfactorily meeting the needs of these people.

We believe that there are two closely related reasons for this failure. First, the government is promoting the advancement and integration of the Indians too much on an individual basis with the result that educated and trained Indians

who want to make good in the Canadian community have to break with their own backgrounds. Secondly, the government is not making sufficiently vigorous efforts to foster Indian Community Development, so that educated and trained Indians might develop the desire to serve as leaders in their own communities. In such communities their striving for self-advancement could be without the danger, as at present, of grave personality disturbances, or of losing their cultural distinctiveness.

Because we feel that the crux of the matter lies in the attitude and not merely in the degree of energy with which the government has approached this situation in the past, we would therefore offer this alternative. We would urge that the whole tone of the Indian Act be changed from being protective to being enabling, with self-determination, self-respect and economic, political and cultural dignity as the goal. We would urge that self-government on Reserves and Indian initiative be fostered and encouraged, that more Community Development projects with Indian approval and co-operation take place, and that the opinions of Indians in regard to their own affairs be respected. Only in this way, can we hope to see them return to their rightful place within the human family.

We would urge, especially in modern communities, where larger numbers of Indians are trying to establish themselves, that more effort be made towards creating the basic conditions for satisfactory association among themselves, and between themselves and other Canadians, not only in employment, but on the social level as well. As the *first Canadians* and as people who have been given an inferior political status in *their own country*, the Indians cannot be strictly regarded as merely one ethnic group among others. For this reason, we would urge the government to take more initiative and/or to encourage other more relevant agencies in taking more initiative in interpreting Indian-Canadians to other Canadians, and encouraging friendliness and mutual acceptance between them. When human beings have the opportunity to discover what is good and delightful in each other, their interaction will certainly inspire them to a greater development to the benefit of all.

APPENDIX "E3" CARIBOU LAKE BAND

December 7, 1959
Round Lake, Ont.

House of Commons,
Ottawa, Ont.

Dear Mr. Innes:

The Chief and Council of the Caribou Band, through me, the teacher, as scribe, are answering your letter of August 12th. I shall simply list their points as they are translated.

1. We want our Reserve Land to remain at North Caribou Lake even though no one lives there at present. Sometime in the future, if we want some people to move back to the Reserve, will the government supply the materials to build their houses?

2. The people need one tractor here at Round Lake for pulling wood, fish operations, and many other jobs. May we have one?

Many times, Mr. Swartman from the Sioux Lookout Agency office has said that we may not have a tractor. At Trout Lake and Sachigo the Indians have a tractor. We need one too.

3. We want to know if Indians may stake claims, and if so, may they sell them? We do not know, and if Canadian Indians may not stake claims, why? We feel they should be able to do so.

4. We feel that \$22.00 for rations is not sufficient during the winter months. This amount is fine for the summer, but in the winter we should have about \$25.00 more.

Could you please answer soon.

Yours sincerely,

Chief
Aglaba Benson

Councillor
Eva Adams

Councillor
Abraham Patoyash

APPENDIX "E4"

THE FRONTIER COLLEGE BRIEF to the JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS ON INDIAN AFFAIRS

December, 1959.

There are in the neighborhood of a half million men living under bunk-house, bunkcar and frontier townsite conditions, serving Canada's mining, construction and logging industries and maintaining its railways. The Frontier College, through its staff of labourer-teachers and their adult educational, cultural and recreational programs, provides certain opportunities for self-realization for about 25,000 of these camp workers.

Frontier College hopes to prove here that Indian Canadians are found in frontier camps in sufficient numbers to merit the consideration of the Joint Committee of the Senate, and the House of Commons on Indian Affairs. For purposes of this Brief, Frontier College presumes to speak on behalf of all those frontier workers of Indian origin working and living in Canada's northern camps.

Each year Frontier College conducts approximately 100 programs for adult workers in 70 northern camps of 9 provinces, the Yukon and Northwest Territories. In a survey during 1959 it was found that Indian Canadian workers laboured in 20 of the 70 camps in which the College operated. Indian Canadians varied from 6 to 21 per cent of each camp's labour force. The 20 camps held from 60 men on railway gangs to more than 1,000 men in construction and mining camps. *There was a total of 4,584 workers living in the 20 camps, 416 of whom were Indian Canadians, in both English and French speaking areas of Canada, largely the former.*

These camps were by no means untypical. It is concluded, therefore, that in areas of Indian Reserves (The Pas, Kenora, etc.) hundreds of Indian Canadian workers labour in camps, perhaps 9% of the work force, without normal influence of home, school, church, and other community organization (as do their white Canadian and New Canadian colleagues) and are, therefore, particularly vulnerable to loss of opportunity and advancement and perhaps exploitation. Frontier College wishes to go on record as supporting any legislation and programs which will improve their situation. This Brief will not be concerned with recommendations on such technical matters as treaty rights, band membership, etc., leaving that field to those whose special task it is to assess the situation.

The 416 Indian Canadian frontier workers were studied from the point of view of their integration into camp life, through a questionnaire to the labourer-teachers concerned and by examining these instructors' class registers. Generalizing from the data obtained, the following observations were made.

Favouring integration

- The Indian Canadian campmen tended to be strong, reliable and efficient on the job, often improving on their colleagues.
- They were of good humor and had high morale.
- They participated well if not better than the other workers in all recreational and certain cultural activities (e.g. attending documentary film-discussion programs).
- They appeared to work well alongside New Canadians.
- The higher the schooling (grade 8 or more) the more cooperative and ambitious they tended to be, although variation was high in this regard.
- The majority spoke English or French, although many were imperfect in speaking the language.

Hindering integration

- The Indian Canadian campmen tended to jump camp slightly more readily than their colleagues, men who are prone to "jumping" camp themselves. (Labour turnover is high in most frontier camps.)
- There were fewer Indian Canadians than others ready to accept formal schooling without special attention to their interests, even among the quite literate.
- They appeared to be a little less conscious and knowledgeable of hygiene matters.
- They possessed few trade skills, gravitating toward the unskilled labour groups. In one mine, however, Indian Canadian workers showed good ability to master machine and timbermen's tasks below ground; one became a diamond driller.
- They stayed together in camp and for leisure time pursuits, not mixing readily with non-Indian people.

Conclusions for Purposes of The Frontier College Brief to the Parliamentary Committee on Indian Affairs.

- Canadians of Indian origin who find their way into frontier camps should be treated as equals vocationally, and given equal opportunity for advancement as far as they will accept that advancement.
- Indian Canadian camp workers often require special help and encouragement to appreciate fully some of the higher values in Canadian citizenship (e.g. economy, education), although it is recognized that in other values they are often exemplary (e.g. loyalty to friends, tolerance). This may be done, at least in part, by providing adult education oriented to people of Indian background. Frontier College can demonstrate that Indian Canadian camp workers will attend classes and discussion sessions when special attention is paid to their needs and interests.
- It is desirable to demonstrate an appreciation of the highest Indian values and traditions when serving Indian workers with an adult educational, cultural or recreational program. For example, Frontier College was able in one instance to persuade the persons responsible for camp recreation to show films depicting Indians in a favourable light (e.g. in Wild West movies)—with a visible change in attitude on the part of the

Indian workers. (That is, increased morale: cheers go up from Indian "block" in audience as Indians do good turns in film.)

- Every opportunity and encouragement for vocational or technical training should be afforded Northern Indians in order that they may compete equally for the many northern job openings in the logging, construction and mining industries.

Frontier College Goes on Record

Frontier College wishes to support legislation, financial expenditures, institutional and governmental schemes which provide, or encourage, adult education for Indian Canadians of Northern Canada in particular, to correct for the poor background of formal schooling and the high illiteracy rate*, and to facilitate integration of Indians choosing to leave the Reserve.

Frontier College suggests that, psychologically, many Northern Canadian Indians are especially suited to camp life (lonely isolated circumstances) because of their nomadic history, and that this should be considered in particular by vocational guidance and training officers in the North. There is often a need for qualified, willing and stable workers in Canada's camps and the Northern Indian Canadian should be prepared to meet the need. It should be noted, however, that camp life is limiting, even oppressive at times, being unable to provide normal social contacts and outlets, and community influences. Adult educational, cultural and recreational programs of a specialized nature (for Indians) should be provided as far as practical to compensate for the vacuum of camp life.

*—A Review of Activities, 1948-58, Indian Affairs Branch, Department of Citizenship and Immigration, p. 26.

—Residential Education for Indian Acculturation, Indian and Eskimo Welfare Commission, Oblate Fathers in Canada, Ottawa, 1958, p. 4.

APPENDIX "E"

Gull Bay Reserve,
December 10, 1959.

Mr. E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa, Canada.

Dear Sir:

I am very pleased to acknowledge your letter of August 12th 1959.

Our Band Council submits a Brief in three copies.

We request a Representative from the Senate, House of Commons, to come to our Reserve to see the conditions, and I am sure we can give you a better picture of what we would like to say, complaints and general matters, in our affairs.

Yours sincerely,

(sgd.) Narciste Nowegejick, Chief,
Gull Bay Band,
Gull Bay Indian Reserve,
Gull Bay via Hurkett, Ontario.

Gull Bay Indian Reserve.
December 10, 1959.

This Band is holding Council, all members make this Brief:

To have the original Indian Act, to fish, hunt, and trap, without paying for a permit, and free taxation.

Complaint: Re- Fishing. The tourist come along and damage nets.

Re- Transportation to the hospital we do not receive now.

Re- Drinking water. This water has been tested, and was graded to No. 4. We request for the Department to have a well built.

APPENDIX "E6"

"Our Manitou is Everywhere"

THE INDIAN COUNCIL FIRE OF CANADA
(salvaged from the ashes of the past)

Archaeology—Ethnology—History—Indian Arts
Crafts—Customs—Legends—Traditions, etc.

JASPER HILL, (Big White Owl)
285 Gledhill Avenue, Toronto, Ont., Canada

(April 5th, 1960)

MY NOTES AND RECOMMENDATIONS
(By Big White Owl)

To the Special Joint Committee of the Senate
and the House of Commons, Parliament Buildings,
Ottawa, Ontario, Canada.

Honorable Members:

I herewith submit my Four Point Brief to the Special Joint Committee of the Senate and the House of Commons for study, careful consideration, and formal adoption, the following recommendations:

1. Canadian Indian Integration Centres.

Far too often the Native Canadian Indian who moves to the city is confronted with many strange problems, a depressing and lonely life. And when he seeks companionship he falls easy prey to the unscrupulous drifters from the underworld, and soon he is mired in dire, hopeless, depravity. . . . To overcome and avoid such tragic errors, in the future,

I HEREBY RECOMMEND, THAT:—

(a)—Canadian Indian Integration Centres be organized and established in the larger metropolitan areas in Canada.

(b)—The purpose of these Centres to be: To advise and assist, Native Canadian Indians who migrate to the cities, seeking employment, and a new way of life. *

(c)—Canadian Indian Integration Centres be designed on a multi service plan; where Indians may register to become eligible for assistance and guidance; where they could enjoy recreational and social programs; where they could

be briefed on job opportunities and placements; where they could come to be guided to respectable boarding and lodging accommodations; where they could come to find and make friends with reliable people.

(d)—Canadian Integration Centres may also give other citizens in the community, who earnestly desire to help the Indian, an opportunity to meet the Indian, and get to know him better.

(e)—Canadian Integration Centres be maintained under the joint sponsorship of the federal and provincial governments, and other interested non-profit humanitarian organizations.

2. *Creation of Canadian Indian Day.*

At the opening of the third session of the 24th Parliament, granting of the federal vote to all Native Canadian Indians was included in the Speech from the Throne. And on January, 18th, 1960, Citizenship and Immigration Minister, Ellen L. Fairclough, Superintendent General of Indian Affairs in Canada, moved the necessary amendment to the Indian Act giving Native Canadian Indians the right to vote in federal elections.

(a)—This new act or decree has suddenly catapulted the Native Canadian Indian into a state of authentic citizenship. And according to the law of the land, he (the Native Canadian Indian) is now an active, living, virile element in the national scene. Yes, this new legislation has made or transformed 'the Indian' into a very important factor that will now have to be reckoned with in the Canadian nationality. But there is lacking, one extremely important social and traditional aspect. No kind of "Special Day" has been set aside for the Indian. A day when he may look back with pride upon his past and present achievements. A day when all the schools of our land could place special emphasis on Canadian Indian history. A day set aside to render and pay homage, and trace 'the Indian's' past grandeur, and the brilliant future which now should be in store for him.


(b)—I maintain it is the patriotic duty of every Canadian, regardless of race or creed, to dignify the personalities of great North American Indian leaders, extolling their glories and virtues, their many and varied contributions to the progress of western civilization.

(c)—By dedicating the 5th day of October of each year as: "*Canadian Indian Day*," we can establish a precedent, and an everlasting memorial, to Chief Tecumseh, (the greatest Indian that ever fought and died for Canada) and to other Indian chiefs and leaders who worked, fought and died, for the welfare of the Canadian Indian People.

(d) I strongly urge, for these several reasons, that:

A special "Canadian Indian Day", be adopted and permanently established, by federal government decree, on the 5th day of October of each year, throughout all of Canada;

(e) Why on October 5th? Because on that date, October 5th, 1813, Brigadier General TECUMSEH (the shooting star) the great Delaware—Shawanee Chief, sacrificed his life to save CANADA. Yes, he saved Canada for the British at the great battle of Moraviantown, Ontario, Canada... He died that we might live our way of life in PEACE... As long as the grass shall grow, and the river flow!

No. 3. *Canadian Indian Calendar*(a) January ... "Cracking Tree Moon" ()February ... "Deep Snow Moon" ()March "Crow Moon" ()April "Grass & Geese Moon" ()May "Planting Moon" ()June "Strawberry Moon" ()July "Honey Bee Moon" ()August "Harvest Moon" ()September .. "Hunting Moon" ()October ... "Falling Leaf Moon" ()November .. "First Snow Moon" ()December .. "Long Night Moon" ()

(b) Days are Suns, Nights are Sleeps. Years are Great Suns. One Moon is one month. Twelve moons are One Great Sun or One Year.

(c) The Indian People of the Americas began a new epoch after the eventful landing of Christopher Columbus on Friday morning, October 12, 1492. So now, according to Indian Chronology, we are living, struggling, conquering, achieving our existence, and purpose, in this new atomic age of progress, viz., 468 Great Suns, or 1960.

 No. 4. *Canadian Indian Office*

(a) Under the present system or set up in Ottawa, Ontario, Canada, it is an outright abuse, and an insult, to place the Canadian Indian Office under the jurisdiction of the Department of Citizenship and Immigration.

(b) The Indians of Canada are not foreigners! They are the First Citizens of this land! And there is no man made law in existence, anywhere in the world, whereby they may be defined, or transposed, into anything else but true Native Canadians!

(c) Therefore, I propose, that: A complete and separate Canadian Indian Office be established in Ottawa, Ontario, Canada.

(d) I further propose, that: A Native Canadian Indian of full Indian ancestry be appointed as Superintendent General of Indian Affairs in Canada.

NOTE:—The above recommendations are proposed by:

Mr. Jasper Hill, (Big White Owl),
of the Moraviantown Delaware
Indian Nation.



APPENDIX "E7"

MARTIN FALLS BAND

Parliamentary Committee to Study the Indian Act,
Parliament Buildings,
Ottawa, Ont.

Honourable members of the Committee;

We are grateful to the Committee for having called on our report. We acknowledge that our government really endeavours to promote our welfare. Already we received much for hospital cares, schools, housing and different kinds of reliefs. For all that we thank our white brothers.

Also, the Indians appreciate very much the fact that the white people are trying to understand them. It stimulates them to acquire a knowledge of the white man's way of life. We cannot say we are always edified by it and that we consider it altogether perfect, but we can benefit by it.

Now, here are a few items which we would like to bring up before the Committee for consideration.

There is much talk about integration. We do not completely realize yet what it means. But, if by integration is meant that our children are to go to white people's schools or even Indian schools with a complete white mentality and set up, to be afterwards scattered amongst the white population, we disapprove it. On the other hand, if integration means that we are to be educated and helped to live as a Canadian ethnical group in our native localities with finally a predominant part in our municipal affairs, then we surely approve the idea and we shall do our best to promote it. That some individuals desire to live amongst the white people, according to white standards, we have no objections; but we do not think the scheme profitable to Indians as a whole; and neither to the white population as a matter of fact.

We ask that the articles No. 113 to 123 of the Indian Act concerning schools, be kept substantially the same. Nevertheless, we wish to have schools built on our reserve according to our two religious denominations. We would prefer a local day school for our children if we had means of living close by. We think it would be more profitable to our children if they attended a local day school from grade one to grades five or six; then residential school for those who

have any aptitudes and desire to go farther. As it is school years leave them unprepared to meet a poor way of life as ours, though yet unable to look after themselves as they have been taught in school, nor ready to fit in white peoples' social life. The government is willing to pay board for our children in residential schools. We wonder why we are not given the same amount while we are keeping our children attending a local day school. Are not certain companies paying their apprentice a salary? With that help we would acquire the habits of stable and resident life which our children would then enjoy. It does not necessarily mean that we would just become lazy and trap no more as we are told. This thought annoys very much the fur traders mostly consulted by department officials. But, it is forgotten that trapping is generally practiced intensively for short periods of the year: November and December, April and March. If necessary, the school months could be arranged differently.

We appreciate the help received from the government for housing. We surely need the material and guidance.

But, we do not really desire to be given new houses, independently of our contribution. If we are attributed free houses, the Indian Agent or some other white persons may walk in at any time to tell us: do this and do that. If we are unable to accomplish what they ask, we are liable to be thrown out, and our houses given to someone else. Therefore, we ask building material and guidance to build a house which is really an Indian's own private property and a secure home.

We feel that the department is voting much money for building purposes. Also, the Indian Superintendent makes many encouraging promises to that effect. But, some Indians have been waiting for years without receiving anything. Please let us know what is the matter. Nothing really shows yet on this Reserve. Some money has been spent, but presumably without the necessary guidance. We have heard that the Department officials are looking forward to move our reserve somewhere else. The majority of us are against the project. It would be profitable to the administration and traders, but only to the minority of the Indians. At least, we feel, we should be consulted soon about it, if it is causing all this delay.

There is quite an uneasiness amongst Indians. We think it might come from an inadequacy of the Indian Act, though we are unprepared to understand it well. It has never been explained to us thoroughly in our language. Practically, to us the Indian Act amounts to this: Avoid offending the Indian Agent and the Hudson's Bay Company to make sure we get the necessities of life.

Our Councillors have never been taught how to hold a meeting the white man's way, nor to pass a by-law that could be enforced. Consequently, there is really no order on our Reserve. The Indians are really unsatisfied. The fact that the Indian Superintendent dictates what we have to do, transmits to the Department our requests in reports that we never see, and administers our municipal funds without any satisfactory explanations to us, makes everything worst and the Indians rebellious. Therefore, we ask that the administration of Indian Affairs be such organized that our Chief and Councillors be directed and taught to hold their meetings and pass by-laws according to the Indian Act. We think this responsibility should belong to our local Superintendent who, of course, should be competent in the matter and quite willing.

We wish that all matters concerning the improvement of the Reserve and the welfare of our people be duly and thoroughly taken with our Chief and Councillors in regular meetings, and not just dictated by an official of the Department after a rapid consultation with some local white residents or some Indians more readily able to speak English. We wish that the Department of Indian Affairs give us an account of how much money we are

annually granted for different purposes, as housing, schools, general improvement, relief, etc. with a corresponding account of its spendings. Then only we would know where we are going, and we might be satisfied.

We ask that elections for the Chief and Councillors be held regularly. A vote has never been taken on this Reserve (as supposed so) to the effect that we chose the old fashion of electing the Chief and Councillors. We feel the reports too often go to Ottawa with some Superintendent's viewpoint instead of ours. Of course, during official meetings, we are not very talkative; if we express an opinion off the line, we are liable to be squeezed by someone. . . .

We are told that the Department is doing worthy efforts in some parts of Northern Ontario to develop natural resources and to create opportunities for Indians. We appreciate it.

The Indians of this part of Northern Ontario are capable and have taste mostly for three types of work: trapping, guiding, pulp-wood cutting. We wish that opportunities be created along these lines on our respective territories. It would be necessary to observe that it is almost impossible for an individual Indian to undertake and succeed in a private business of his own in this part of the country on account of the powerful monopolizing attitude of the Hudson's Bay Company and its influence on some Department's Officials. But, as private and co-operative ownership is strongly desired by Indians, we wish that the protection of the Government be assured us. It is worth mentioning that the Department of Lands and Forests of Ontario is encouraging and helping the trappers greatly by setting up a fur auction sale at North Bay. To be honest, we also have to acknowledge the help of some individuals and missionaries to foster and make possible Indian private ownership.

As Indians assume steady jobs, they are burdened with taxes, hospital and doctor's fees. They are told that they have to look after themselves if they work regularly. We feel this policy tends to discourage progressive Indians. After all, why work and take risks in such an adventure of earning a living if we may get enough just by being good and quiet on our Reserve. Therefore we plead that the same tax exemption and free hospital care be granted to all Indians equally until an agreement has been reached between the Government and our Band of Indians to drop these privileges for all of us. We resent that such an important matter be left to the arbitrary of the local Superintendent.

Even if we are usually a peaceful people, we feel that at times we would need a more efficacious administration of justice. Thinking for the future—the Indian Act will last—we suggest that the Committee consider this question.

We desire to obtain the right to vote in federal elections. Indeed, members of the federal Parliament approve and enforce the Indian Act. Deputies could voice our petitions to temper the rather dictatorial powers of the Governor-General in Council as it sounds in the present Indian Act. Therefore, we believe we should have our word in the choice of deputies in the federal elections.

Indians appreciate it highly when they are let free by Department Officials to enter a hospital of their choice when they need such treatments. The Indians of this band are very thankful to those who are responsible for the great improvement in their health conditions.

This is all we have to say. We hope our observations shall be accepted with good will and indulgence, as we forward them without animosity towards anyone, but with the sincere desire of promoting the welfare of the Indians and their good relationship with the white people.

We are writing to you, gentlemen, through an interpreter who is acting as secretary to our band meetings on this matter. We trust he is able to

grasp and expose correctly our expressed and hidden feelings . . . We cannot promise to send delegates to Ottawa. Nevertheless, we hope you may pay some attention to these observations. We would become thankful, if we had contributed something good through your kind consideration.

Your Very Truly,
Louis Whitehead,
Chief (resigning).
John Achneepineskum,
Councillor.
James Windjack, Councillor.

Martin Falls Band,
Ogoki, Ont.
Sept. 30, 1959

APPENDIX "E8"

SUBMISSION
to the
JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS
ON INDIAN AFFAIRS
by the
NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI'S OF CANADA

December 28, 1959.

INTRODUCTION

In presenting this brief, we draw attention to the fact that the Baha'i Faith is a universal religion established in some 260 countries, dependencies and islands throughout the world. It is concerned with fostering the recognition of one God and one humanity and the abolition of national, racial and religious prejudice as the fundamental basis for enduring peace and effective brotherhood among all peoples. The Baha'i International Community is accredited to the United Nations as a non-governmental organization. The National Spiritual Assembly of the Baha'is of Canada, incorporated by Act of Parliament in 1949, directs the affairs of the Faith in this country, where it has existed for almost sixty years.

"All men have been created to carry forward an ever-advancing civilization." (1) A cardinal principle of the Baha'i Faith is that mankind can attain the full flower of maturity only when all peoples have the opportunity to develop the capacities with which they are endowed. We are, therefore, particularly interested in the indigenous peoples of this country, in their education and in their economic, social and cultural development. We believe that the Indians of Canada, with whom this brief is concerned, should have the same opportunities as other Canadians for the training and development of body, mind and spirit. In the realm of religion, we seek not to proselytize but rather to provide encouragement and opportunity for each individual to have access to and to investigate truth independently and to make his own choice accordingly.

It is our profound conviction that, if the Indian peoples are to play their full part in the future of Canada, their education is of vital importance, not only to themselves but to the nation as a whole. We are consequently limiting the present submission to this aspect of Indian affairs.

THE BAHAI POSITION ON EDUCATION

Our position on education is indicated in such statements from Baha'i Scripture as:

"Baha'u'llah declares that all mankind should attain knowledge and acquire an education. This is a necessary principle of religious belief . . ." (2)

". . . concerning sciences, crafts and arts. Knowledge is like unto wings for the being and is as a ladder for ascending. To acquire knowledge is incumbent upon all, but of those sciences which may profit the peoples of the earth, and not such sciences as begin in mere words and end in mere words." (3)

"If it be considered through the eye of reality, the training and culture of the daughters is more necessary than that of the sons, for these girls will come to the station of womanhood and will mold the lives of the children. The first trainer of the child is the mother. The babe, like unto a green and tender branch, will grow according to the way it is trained. If the training be right, it will grow right, and if crooked, the growth likewise, and unto the end of life, it will conduct itself accordingly." (4)

"Schools must first train the children in the principles of religion, so that the Promise and the Threat, recorded in the Books of God, may prevent them from the things forbidden and adorn them with the mantle of the commandments: But this in such measure that it may not injure the children by resulting in ignorant fanaticism and bigotry." (5)

"He who educates his son, or any other children, it is as though he had educated one of My children." (6)

"O ye wise men among nations! Turn your eyes away from foreignness and gaze unto oneness, and hold fast unto the means which conduce to the tranquillity and security of the peoples of the whole world. This span-wide world is but one native land and one locality. Abandon that glory which is the cause of discord, and turn unto that which promotes harmony. To the people of Baha, glory is in knowledge, good deeds, good morals and wisdom." (7)

OBSERVATIONS ON INDIAN EDUCATION

We are aware that substantial progress has been made in the education of Indian children in recent years, as evidenced by increased numbers attending public, high and vocational schools and universities as well as by a greater supply of qualified teachers. We feel, however, that much remains to be done. Many Indian children do not complete their elementary schooling and comparatively few proceed beyond this level. Furthermore, the training provided is still too frequently of inferior quality so that young Indians find themselves inadequately trained and at a disadvantage both for higher education and for participation in economic, cultural and other aspects of Canadian life.

In our contacts with Indians in various parts of the country we have heard a number of specific complaints expressed concerning the present educational system. Many of these centre about the denominational schools. Where there is more than one mission on a reserve, the Indians from childhood become divided on religious lines, creating antagonisms and disunity. Some also draw attention to the fact that the Indian Act makes no provision for the religious

rights of parents who are non-Christian, such as those following the so-called "Long-house" religion. In denominational schools, and particularly in residential schools, we are told, so much time is spent on religious instruction that the children do not receive an adequate secular education. Indian parents are often grieved to find that their children become discouraged or fail when they enter non-Indian provincial schools and feel that better qualified teachers and a less limited curriculum should have been provided. Most Indians appear to favour secular or public schools or preferably provision for attendance at non-reservation schools.

RECOMMENDATIONS

1. Wherever possible, Indian children should attend the same schools as other Canadians. If this is not feasible, non-denominational schools should be provided on the reserves with curricula and teachers' qualifications not less than provincial standards. The religious affiliation of the teachers should not be a primary qualification and the teachers should not be required to give religious instruction in any particular denomination. The history of religion and basic spiritual concepts or ethics common to all faiths should be taught. Provision for denominational religious instruction, when requested by the parents, should be made outside of normal teaching hours or without sacrifice of the public school curriculum.

2. Children who cannot live at home while attending school should be placed, so far as possible, in foster homes rather than in hostels or other institutions.

3. Kindergarten and vocational school facilities for both sexes should be expanded, physical education, including competitive sports with non-Indian participation, encouraged, vocational guidance provided and scholarships and financial assistance made more widely available to assure the gifted children complete their education.

4. Interest in school attendance and in education generally should be stimulated in band councils and by the encouragement of home and school associations, education committees and similar organizations.

5. Adult education programs should be made available and participation encouraged. Courses in academic and vocational training, cultural programs, leadership and administrative training for band councillors and others in positions of responsibility, and similar subjects are suggested.

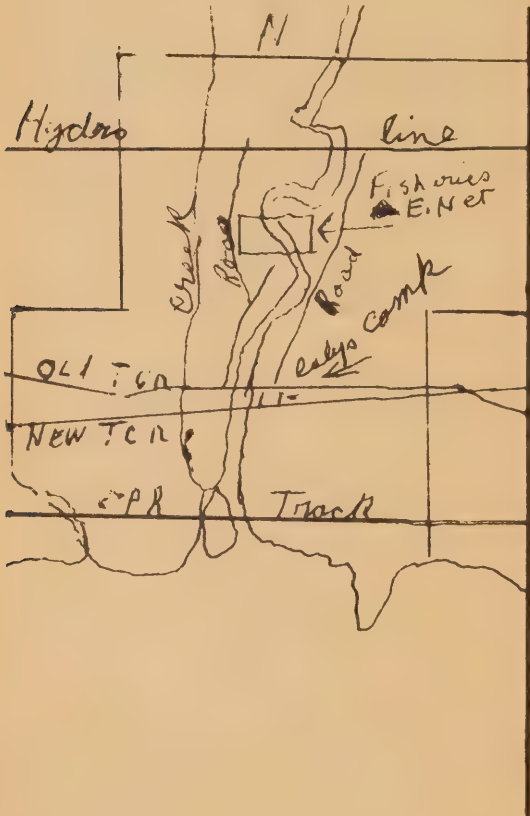
6. In consideration of the fact that education must have effective purpose, particular attention should be given to the placement of Indians in the type of employment for which they have been trained, wherever this is required. Indians should also have the opportunity and be encouraged to fill professional and administrative positions of service to their own people.

CONCLUSION

We are encouraged by the increasing attention being given by the Government of Canada to the education and development of the Indian peoples. It is our hope that they will soon be enabled to contribute the full potential of their talents and capacities to the benefit of the nation as a whole. The Baha'i Writings state "The future of Canada, whether from the standpoint of civilization or from the viewpoint of the Kingdom, is very great. Day by day civilization and freedom shall increase." "You must give great importance to teaching the Indians . . . Should these Indians and aborigines be educated and obtain guidance, there is no doubt . . . they will become so enlightened as in turn to shed light on all regions." (8)

REFERENCES

1. Baha'i World Faith, p. 114
2. Ibid., p. 247
3. Ibid., p. 189
4. Ibid., p. 399
5. Ibid., p. 182
6. Baha'u'llah and the New Era, p. 186
7. Baha'i World Faith, p. 182
8. Tablets to Canada and to the United States and Canada



APPENDIX "E9"

Pays Plat Reserve
Oct. 9/59.

House of Commons
E. W. Innes
Ottawa, Canada

Dear Sirs,

I'm enclosing here 3 copies of our briefs concerning our reservation, that is what was once our Reserve. As now we haven't very much to call our land right here in Pays Plat Reserve.

I'm enclosing here also a sketch of a map of Pays Plat Reserve.

We also have quite a few briefs which we would like to submit here.

Here are some of the briefs, which we Indians of Pays Plat Reserve think are very important.

First Copy—

(1) Quite a bit land was sold, as you can see on the map. Yet we can't get any help from the Indian Agent in Port Arthur, Ont.

(2) We asked for a tractor for gardening purposes.

(3) We asked for a telephone, which we'd like to have right away.

(4) We asked for a water pump for our water supplies.

And also we asked for house repairs.

(5) A car to get a patient to a hospital as we never see a nurse from the Indian Health Service, we only see him just once a year and all that time he never comes to visit our Reserve.

And we need a telephone, is because we are quite a ways from the nearest town.

Yours Truly
Lawrence Mustquash.

And what we'd like to have now right away is heating system before it gets too cold.

APPENDIX "E10"

Chippewas of Rama Indian Reserve,
Rama, Ontario,
December 21, 1959.

The Honourable Senator James Gladstone,
Joint Chairman of the Committee on Indian Affairs,
Ottawa, Ontario.

Dear Senator Gladstone:

Members of this band have followed with great interest your efforts to improve "life for the Indian," especially now in your position of Joint Chairman on Indian Affairs.

The Council members whose signed signatures appear in this brief have read the Minutes of Proceedings and Evidence No. 6, as presented by the Native Brotherhood of British Columbia, and agree 100% with (a), (b), (c), (d), and (e) along with most of the comments and remarks as mentioned by Dr. Kelly, on page 140-141 and all of his remarks on education for Indians.

We further ask that some consideration be given to end the present required "surrendering" of Indian lands *before* they can be leased for reasons stated below.

We strongly object spending our last few dollars for the building of roads and bridges, surveying, clearing and spraying the land to be leased, when the money received from such land cannot in many cases cover the cost of such "compulsory services." In many cases, the township receives more taxes from the properties than our band, yet pay nothing to our initial costs. They reap the harvest of our revenue.

We do not like to "surrender" land, *pay compulsory costs*, then watch others make money on our land. There should be some changes made for our benefit in this regard.

We also very strongly object to the "pittance" paid yearly for our leased lands, when lakeshore properties nearby sell for about \$45.00 per foot or more, while our own properties hardly bring in \$1.00 per foot. (Lakeshore)

We would also like to know in advance what any leasing of Indian lands is going to cost us, and the expected revenue from such land will be for the lease period. Only in this way are we to know if the leasing is going to be profitable enough to warrant *losing* the properties involved through "surrender." The present system is too unfair and expensive. We cannot afford it.

Changes are definitely needed in some sections of the Indian Act, and if even a small part of our request were heeded and implemented, then our people would surely see a better and brighter future to-morrow.

We thank you Honourable Members for any consideration, however small, given this short brief.

Councillors Sam Williams
Lorne Ingersol
Amelius Benson
Stewart Comego
LJD.

Very respectfully yours,
Chief Irvin J. Douglas.

APPENDIX "E11"

December 26, 1959.
Saugeen Indian Reserve,
Chippewa Hill, Ontario.

E. W. Innes,
Committee Clerk,
Committees and Private,
Legislation Branch,
House of Commons,
Ottawa, Canada.

Dear Sir:

Please find enclosed three copies of brief of which our Band Council recommend amendments to the Indian Act.

We, the members of the Saugeen Indian Band Council, wish to point out the problem which exists on our reserve regarding taxes on cottage owners who lease property on the reserve.

We find that the township where the reserve is situated can levy taxes on cottage owners who lease property on reserve. As we have quite a number of cottages on the reserve, this is quite a revenue for the township. We know that the cottage owners are not getting satisfactory service, and most cottage owners feel that the reserve should be authorized to tax within their own boundaries. As we are independent of the township and feel that we are capable of taxing on our own reserve and are in a position to give the cottage owners a better service and at the same time make considerable improvements to our reserve from the tax revenue.

We the Band Council would recommend that the Indian Act be amended to authorize the Band Council to levy taxes on cottage owners who are holding leases on Indian Reserve Lands.

Thanking you and trusting that this letter will merit consideration.

Yours very truly,
E. A. Thompson.
Chief Saugeen Reserve.

Amendment

We, the Band Council would recommend that the Indian Act be amended to authorize the Band Council to levy taxes on cottage owners who are holding leases on Indian Reserve Lands.

Revision of Section 19.

Which reads as follows,

(The Minister may)

Revise to read,

The Minister may with the consent of the Band Council.

Comments

The Band Council are capable of assuming the responsibility in regards to section 19.

Revision of Section 34.

The control and responsibility be placed with the Band Council regarding the maintaining of roads, bridges, ditches and fences.

Comments

The Band Council are in a position to know their roads, bridges, ditches and fences and maintain them accordingly.

Amendment

That the Band Council have control regarding policing of the reserve.

A full time constable to be appointed by the Band Council, his salary to be paid by band funds and subsidized by the Federal Government.

Amendment

That the Federal Government make available loans to responsible individuals for setting up a business establishment, and to a group of members for the purpose of setting up any industry on the reserve.

Chief E. A. Thompson.
Saugeen Indian Reserve.

APPENDIX "E12"

THE BRIEF of the TEMAGAMI BAND INDIANS

1. We strongly commend that all broken Indian Treaties be retained by all Indians resided in Canada, for the simple reason that it only be appropriate, since it was their right in the first place. Excerpts from the Indian Treaty reads, "As long as the sun shines and the rivers flow," we wish to stress the fact that we haven't as yet seen the rivers dry.

Hence it most fitting to say that Indians be granted the promises that were made to them. According to some Indians Treaties, Indians were to get shares from all mines, particularly nickel mines which were to only some to existence. How many mines are now operating at this present daywhere the Indians were to get compensation from? Let us see that all Indians get an equal share of what is coming to them.

SICKNESS and HOSPITAL INSURANCE

2. Indians reject the demand that they should pay hospital insurance plans, medicines, etc. Considering that white people took our country withall its riches, without adequate compensation on their part it is least that the government should regard as their obligation to carry out this duty without resorting to the sale of health insurance.

FISHING, HUNTING, and TRAPPING

3. Indians have sought and petition for freedom of their rights for as long as the Treaty first came into effect, regarding fishing hunting, and trapping. By virtue of their Treaty rights, Indians should not be liable to any Provincial laws within their territories in this respect, and therefore should not be required to take out licenses from the Provincial Government to fish, hunt, and trap within the afore said territories or within any lands covered by their treaties.

MEDICAL SERVICES not SATISFACTORY

4. Indians want the same privilege as their white brothers and that this is to choose their own doctors and hospitals the cost of which be assumed by the Dept. of Indian Affairs as it has always been done before. The situation they are now in, they cannot as much get medicine from the doctor unless it is absolutely a necessity they be admitted to the hospital. It is a common practice of the Department that only one respective doctor be appointed for the care of Indians here. As is always been the case, if an Indian was in a very serious condition and required medical attention at once, the procedure for an admittance into the hospital is so inadequate that he would have to die outside the hospital doors before he could get any attention. This is due to the fact that Indians cannot be admitted to the hospital without the concent of their respective doctors.

When a white man becomes ill he gets the care and treatment necessary for his condition. Don't you think that we are entitled to the same consideration?

INDIAN RESERVE PROBLEMS

5. Many of the Indian Reserves that had been set aside for Indians are no longer considered as Reserves. Indians have lost all lands that were allotted to them. This applies not only to the Temagami Band Indians but various places throughout the Dominion. Indians have been pushed out onto islands

or remote places. The Temagami Band has lost their right to retain Austin Bay, located at the south end of Lake Temagami, an extent of land which was surveyed for the purpose of establishing a reserve for them back in 1884.

In this ruling derives from one or any Section of the Indian Act through a recent amendment we demand that section be buried so deep or in such a way that it hasn't got a chance to resurrect and in its place let justice reign and see to it that Indians get a square deal. Indians should have full control or be permitted to police their affairs within their own reserves.

We strongly support Eric Neilson's statement he made in the House of Commons on March 10th dealing in this nature. We learn from the March issue of the Indian Record that the ministers of Indians Affairs has full control of all Indian reserves and that he has full control likewise to do just what he pleases in respect to governing, policing, or selling same and the Indians hasn't got as much as the privilege to protest however much he wishes to protect his reservation.

Needless to say, any section of the Indian Act that prohibits an Indian to voice his opinion in a case such as this should be abolished.

DEPT. of INDIAN AFFAIRS CANADA

6. The Dept. of Indian Affairs should not have established itself into so many different branches as has been the case in the past years. This has only brought the Indians a great deal of injustice and suffering to them in every part of Canada. The Indians of today wouldn't have so many problems if this move could only have been abolished. Therefore the Department should, by all means re-establish itself.

Thus the Dept. of Indian Affairs Canada.

HALF FARE on RAILROADS

7. All tribes of Canadian Indians should be granted the privilege of travelling on all railroads at half fare. That the Railway Act be amended allowing all Canadian Indians to benefit by same.

OLD AGE PENSION not SUFFICIENT

8. The old age pension is not sufficient. Afterall what is fifty-five dollars a month nowadays? We cannot as much as buy a suit of clothing for less than fifty-five or sixty dollars let alone the foods stuffs considering todays high cost of living.

Pensions should be raised for those who are disabled or in anyway handicapped from earning a livelihood.

FURTHER PROBLEMS of TEMAGAMI BAND

9. For the present situations of the Temagami Band Indians. Chief and counsellors are not getting paid. Why are all the other band getting paid and why is the chief of the Temagami Band not getting paid? He has been chief of the Temagami Band since 1940. He wants the same pay as others are getting and wants to get paid immediately, because twenty years is a long time without getting any pay at all. How often minister of Indian Affairs getting paid and the Indian Agents? We are sure they don't have to wait twenty years before they get paid. We think that Indian Affairs Branch with their agents are using some section of the Indian Act, the reason we are not getting paid, but we must be paid, also our Austin Bay Reserve. So all

these section of the Indian Act which affected the Indians should be taken out, because Indians all over the Dominion have lost their land or whole part of their reservations, on account of these laws the white man have made. So the time to change all that is right now. Let the white man make good laws, so Indians will have better treatment in the whole Dominion of Canada.

Counsellors: Maurice McKaujet,
Tom Patty
Chief: John Twain

APPENDIX "E13"

Big Trout lake Ont
Trout lake Band
Sept 8/59

Dear Sir

We received your letter which you write on Sept 10/59. We the people at trout lake living up north. We are very glad to hear from you and letting us know that your Committee want to try and change the Indian Act.

We are also glad to hear that you are trying to help us out in our ways And we are answering your letter And we are telling you what we do here for our living We have a hard time up here in the north country it not like ten years ago We the Indians up here we do our living by trapping For two years now we been trapping only two kinds of furs that is mink & otter. The Beaver is Close this is two years the Beaver is Close. So there no money in trapping, The only Good Season in our trapping is Nov & Dec and May. Our poor Season is Jan & Feb & March & April, And there no work up here for us to do the nearest Gold Mines is about 200 miles South from here We do a lot of fishing in the Summer only And still the fish is not very Good Price The fish price want down this Summer Lake Trout was Six Cents and Pickle was Eight Cent. Re—old people who are over 60 year old There the one who are realy have a tough time Re—House for trout lake Bands) Not all the Indian have House to live on We are asking if we can get Supply. What we need is nails roofing window and door paint .

Re—School at Trout lake We the people here at trout lake who got Children going to School here all winter. We have a hard time in getting our wood fuel and foods We would like to have one of you to come and visit us once year and see what we mean and to see the facts and hoping to hear from you soon We are very Thankful what Mr. G. Swartman our Agent is doing with is work. He help us as much as he could He give Ration to the people who are hard up, at winter time We are hoping to hear from soon

These are the names who witness this letter

Yours Truly

Mr. Joseph Morris
Jeremiah Shinnawap
Judah Winter
Stephen Cutfeet
Jonas Duncan

APPENDIX "E14"

TROUT LAKE BAND (BEARSKIN GROUP)

Big Trout Lake, Ont.
Sept. 28/59

Dear Sir

We the people here at Bearskin we got two Councillor one is a man and the other is a woman. And we belong to Trout Lake Band its 45 miles east of here. And we seen that letter that came from Ottawa. And the people here at Bearskin are answering that same letter that want to Trout Lake.

Refer—(Trapping) we are having a hard time in the winter time. As we got only two kinds of fur to trap that is mink and otter and very few muskrat.

The good season for our trapping is November and December and May and we have a hard time on these month—January and February and March and April.

Re—Old people that are over 60 years old we all get 2 months ration on these month January and February.

Re—House's at Bearskin—Not all the people here at Bearskin got house to live on, and we are asking if we could get some supply. What we need is nail, roofing, windows, door and paint.

Re—Reserve for Bearskin—We get no reserve here at Bearskin. And we been asking for one. And we are going to ask for it again.

We would like to have one of you to come and visit us once year. And see what we mean. And to see the facts. We are very thankful what Mr. G. Swartman, our Indian agent, is doing with is work. He help us as much as he could he give ration to the people who are hard up in winter time.

I remain.

Your Truly,

These are the Indian who witness this letter.

Geordie Beardy
Peter Beardy
Moses Fiddler

APPENDIX "E15"

THE UNITARIAN CONGREGATION OF SOUTH PEEL
STATEMENT REGARDING INDIAN CANADIANS
TO

THE JOINT PARLIAMENTARY COMMITTEE ON INDIAN AFFAIRS

The Unitarian Congregation of South Peel has, for some time been aware of the special problems faced by Indian Canadians. The need for a thorough study of these problems on a national basis is apparent, and the establishment of a Joint Parliamentary Committee on Indian Affairs is certainly a commendable first step.

Our first interest in this problem came after learning of the deplorable living conditions of Indian Canadians in Northern Ontario.

The following suggestions are respectfully submitted for your consideration. These suggestions were decided upon after our Social Action Committee studied, questioned and investigated as thoroughly as is possible for a non-official group.

1. *Community Services*

(a) *Community Centres.*

Community centres, in areas with a large Indian Canadian population, where acceptance and encouragement are provided, would be most helpful. The following services could be offered at such centres:

1. Health Services.
2. Recreational Services.
3. Legal Aid Services.
4. Family Counselling Services.

(b) *Travelling Social Workers.*

In addition to community centres in well populated areas, travelling social workers, covering designated districts, could provide a useful service to Indian Canadians in outlying areas.

(c) *Placement Officers.*

There is a need for further placement officers of the high calibre of Mr. J. J. Franson of Toronto, to aid Indian Canadians who wish to leave the reserve to work or study in our large centres. The greatest need for such individuals would seem to be in the northern areas of our provinces.

2. *Personnel Involved in Community Services.*

All personnel working with Indian Canadians should be carefully selected and trained to cope intelligently with the various problems of a minority group living in a culture distinct in many ways from its own.

A special training course should be provided for all such personnel. Some background knowledge of anthropology, sociology and psychology would be very useful. Some of the methods being utilized by the Department of Northern Affairs with Eskimo Canadians, might prove worthwhile for study in devising a suitable training course.

3. *Integrated Schools.*

The Department of Indian Affairs is to be commended for its philosophy of an integrated school system. If Indian Canadians are to be considered full citizens of Canada, the system of parochial or separate schools for Indian Canadians only, must be gradually abolished.

4. *Prison Population.*

The large number of Indian Canadians in our correctional institutions, indicates the serious need for careful planning and assistance to aid the Indian Canadian in adjusting to the culture of the majority of his fellow citizens. Greater community services would be of considerable assistance to probation officers in attempting to supervise and aid in the rehabilitation of the Canadian Indian offender.

5. *Persons of Part Indian Ancestry.*

Indian Canadians, not considered Indians under the Indian Act, in most cases face similar problems to Indian Canadians who are the concern of the Department of Indian Affairs. To broaden the scope of this Department's jurisdiction to include such persons, would probably be a retrograde step. The special training and knowledge of people in this Department, however, would be useful to assist the Provincial Governments in establishing a practical programme to cope with the particular problems of persons of part Indian ancestry. Perhaps a co-operative plan could be worked out between the Federal and Provincial Governments to assist these people.

THIRD SESSION—TWENTY-FOURTH PARLIAMENT

1960



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

THURSDAY, MAY 19, 1960

WITNESSES:

From the Indian-Eskimo Association of Canada: Mrs. W. H. Clark, President; Rev. Father A. Renaud, O.M.I., Vice-President; Dr. G. C. Monture, O.B.E., Chairman of Finance; and Mr. John Melling, Executive Director.

From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of Indian Affairs Branch.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr Noël Dorion, <i>Joint Chairman</i> ,	Mr. R. Leduc,
Mr. H. Badanai,	Mr. J. C. MacRae,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. H. J. Michaud,
Mr. J. A. Charlton,	Mr. R. Muir (<i>Cape Breton North</i> <i>and Victoria</i>),
Mr. G. K. Fraser,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. A. E. Robinson,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. F. Howard,	Mr. W. H. A. Thomas—24
Mr. W. H. Jorgenson,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 19, 1960.

(14)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Senator Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Horner, Inman and MacDonald.

The House of Commons: Messrs. Badanai, Baldwin, Charlton, Henderson, Howard, Jorgenson, Leduc, MacRae, McQuillan, Small, and Thomas.

In attendance: From the Indian Eskimo Association of Canada: Mrs. W. H. Clark, President; Rev. Father A. Renaud, O.M.I., Vice-President; Dr. G. C. Monture, O.B.E., Chairman of Finance; Messrs. Elliott Moses, Executive Committee, and John Melling, Executive Director. *From the Department of Citizenship and Immigration:* Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of Indian Affairs Branch; and Mr. C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

Agreed,—That the brief of the Indian-Eskimo Association of Canada be taken as read and included in this day's evidence.

The Vice-Chairman called on Mrs. Clark, President of the Indian-Eskimo Association of Canada, who after introducing the members of her delegation, made a statement reviewing the background and aims of the Association.

Copies of the first bulletin of the Indian-Eskimo Association were distributed to members of the Committee.

Mr. Melling, Executive Director of the Indian-Eskimo Association of Canada, made a statement summarizing the brief and then distributed a document outlining the brief to the members of the Committee.

The Committee considered the recommendations of the above-mentioned brief individually with Rev. Father Renaud supplying information on various points, assisted by Mrs. Clark and Mr. Melling.

Mr. Jones, Director of Indian Affairs Branch, also supplied information on a number of related matters.

The Vice-Chairman announced that he would be unable to attend this afternoon's sitting.

On motion of Mr. McQuillan, seconded by Mr. Leduc,

Resolved,—That Mr. Jorgenson be the Acting Joint Chairman of this Committee, representing the House of Commons, for this afternoon's sitting.

At 11.30 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(15)

The Committee resumed at 4.25 p.m., the Joint Chairman, Honourable Senator James Gladstone and the Acting Joint Chairman, Mr. Werner Jorgenson, presided.

Present:

The Senate: Honourable Senators Fergusson, Gladstone, Horner and Stambaugh.

The House of Commons: Messrs. Baldwin, Henderson, Jorgenson, McQuillan, Small and Thomas.

In attendance: Same as at morning sitting.

The Committee resumed consideration of the recommendations of the Indian-Eskimo Association of Canada, the representatives of the Association being questioned thereon and supplying additional information.

Questioning being concluded, the Acting Joint Chairman thanked the witnesses for their presentation.

At 5.50 p.m. the Committee adjourned until 9.30 a.m. Wednesday, May 25.

M. Slack,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 19, 1960

The VICE-CHAIRMAN: Order, please. I see we have a quorum. Thank you, ladies and gentlemen, for being as prompt as you are.

This morning the first thing I would like to do is to have the committee agree that this brief be accepted as read, and be put on the record as read. Are you all agreeable to that? We will not have to go through the whole brief then.

Agreed.

THE INDIAN-ESKIMO ASSOCIATION OF CANADA

Brief to the Parliamentary Committee on Indian Affairs

I Introduction

1. The Indian-Eskimo Association of Canada, which has the honour to present this Brief, would like—in introducing itself—to say how glad it is that the Parliamentary Committee on Indian Affairs has been set up. The Committee is timely: we have high hopes of it.

2. We are hopeful too of the part we ourselves can play in Indian affairs. We seek to be the non-governmental expression of the same concern which governmentally has produced this Parliamentary Committee. Until recently we worked as the National Commission on the Indian Canadian (NCIC)—a standing committee of the Canadian Association for Adult Education. Our emergence into independent, incorporated status, under our present title is also, we think, timely.

3. This Brief pays attention to the terms of reference set for the Parliamentary Committee. Less attention may appear to be paid to the Indian Act than to the administration of Indian affairs and the socio-economic situation of the Indian peoples. In fact, if our words are weighed rather than counted, it will be seen that there is no such disproportion.

4. In our preparations for this Brief we have consulted very many bodies. Representatives of the main Churches have been intimately involved. The points of view of important "secular" organizations have been studied. Indian Band Councils have freely given of their experience and advice. From the Indians there have been written statements covering hundreds of pages; there has been much face-to-face discussion with some of them. Many days (in all) have been spent by us in thinking about the opinions put to us and about the facts on which they were based. When we have found the attitude of Indians to be as important a fact of the situation as the underlying experience, we have thought right to record this as something that policy must cope with. The Brief is, of course, more than a mixture of other people's ingredients. But, because so very many people have had a hand in making it what it is, we think it may prove a unique addition to the papers with which the Committee has to deal. Certainly, when the previous Committee sat (1946-1948), no national voluntary agency for Indian affairs was in being; therefore nothing comparable to this Brief was available.

II The Present and the Recent Past

5. The current situation of the Indians—what are our impressions of it, and what trends have become discernible? We shall begin by conveying some impressions derived from reading the Review prepared by the Indian Affairs Branch. We shall finish with impressions derived from consultations with the Indians themselves.

6. The Branch's "Review of Activities" (1948-1958) records some developments very worthy of notice, especially when regard is paid to the fact that the Branch has had to cope with many more Indians. A 3% cumulative rate of increase in the Indian population would in the best circumstances have imposed a heavy administrative strain, but in circumstances where the Branch was handling a population that in considerable degree belongs to a subsidy-economy the additional strain must have been acute. It is good that the Branch was able to take the strain; it is better still that the Branch did not allow itself to get bogged down by the overall need to keep the Indians alive: best of all is that the Branch was able to give enlarged attention to the schooling and higher training of young Indians, actually making headway with education. But there were other important areas of development. In a decade when education was taken as a high priority, these other developments might have been squeezed out. We are pleased that they were not, for not only are they proving of high utility but they show imagination. We are referring to the Placement Programme, the Programme for Rehabilitation and, not least, the set of agreements which the Branch has made, first, with several provincial governments covering Wildlife and Fisheries, Fur Conservation, Wild Crops Harvesting; and, secondly, with the government and with Children's Aid Societies of Ontario for extension of Child Welfare Services to the reserves. All these arrangements conform to the new model of federal cooperation with other bodies, and in the case of the Placement Programme we understand that voluntary bodies, churches and private agencies are brought in, to supplement co-operation with the National Employment Service. Clearly, the Indian Affairs Branch, which so often has a thankless job because of the past it inherits, and the present service it must give, deserves more than just a word of praise for initiatives taken, forcefully and creatively.

7. The past which invades the present may prove the greatest stumbling-block for the Indians, as for the Indian Affairs Branch. Long establishment of this or that familiarity with it, the routines and expectations that belong to it, beget an acceptance of it and a clinging to it in face of "threatened" innovation, "unsettling" change. This fear of change is still strongly marked among many Indians. Yet more and more they want the benefits that only change can bring. That they need these benefits we firmly believe; to recognize their need of them is itself a first step towards their coming to terms with their fear of change.

8. Among these recognized needs are more income, better houses, greater diffusion of education and improved health.

9. There are other and related needs, not so widely recognized yet, but which some Indians will acknowledge openly— independence of spirit, sense of effective responsibility, energetic commitment to what is taken in hand, confidence in their future, the overcoming of resentment against the white man.

10. The Indian is not to be blamed for not seeing all his needs. The white man created the reserve system of life. And the circumstances of life on most Indian reserves do not call for independent spirit, do not provide the occasions for effective responsibility; they render superfluous an energetic commitment and make confidence in the future an irrational optimism. Therefore the white man is resented, though his free gifts are sought.

11. What the situation calls for is wiser giving by the white man, and greater opportunity for effort by the Indian. The white man must offer more—but *different*—things or the *same* on different terms. The Indian, for his part, must be put on his mettle; he must be given the chance to contribute his best over a period of time, being helped to see that any ultimate failure will be his.

12. Today there is too much action and reaction between the Government's paternalism and the Indian's sense of dependency. This is the impression we get from the Indians themselves, though this is not usually how they put the matter.

13. There are exceptions to our statement. The re-housing scheme for Indians is one; for the able-bodied Indian goes shares with the Branch in making provision for his new home—money and labour are required of him. The Revolving Loan Fund is another exception; for a loan is something borrowed, in order to be repaid with an increment from the borrower. But these exceptions are too few, the impact still too limited, to affect the broad truth of our general statement. It describes a situation for which "no rose-water surgery will be enough."

14. If there is to be no break in the vicious circle, the upshot will be a rapidly increasing population of paupers, overcrowding their homes on overcrowded reserves. Overcrowding of some reserves has already begun; and for economic reasons some adjustment of Indian land-bases may be required. Worse still will be the demoralization. "Charity" in the form of Relief, especially if extended to relieve Trust Fund contributions, will neither improve Indian morale nor weaken the bitterness of the Indian, feeding as it does on the old oppressions, loss of lands, and discriminatory laws. "Charity" does not foster enterprise and freedom—this is the worst charge against it. And without Indian freedom and enterprise, the future will much resemble the present—Indians poor in spirit and in the educated mind, poor in pocket, in housing and in health, poor in whatever is a basic condition for satisfactory engagement in civilized life.

15. We can sum up our overall impressions by saying that changes are occurring among our Indians, that some come from Branch innovations and others from the impact of modern Canadian social standards on Indian expectations, but that the changes are meeting blockages which hamper proper responses to them and further developments of them. The blockages may be institutional or in men's minds; in any case, the consequence is a growing danger of imbalance between the progress of Indian communities and of Canadian society in general.

16. This situation causes us disquiet. Until it can be remedied, it will be unrealistic to expect that the Indians can become fully participating members of the Canadian community. That they shall participate in this way, and *as Indians*, is our chief concern. We have tried to picture to ourselves what this will mean in concrete terms. We have also tried to picture to ourselves the process by which the goal can be reached.

17. We see three main aspects of this process—the *economic*, the *political*, and the "*cultural*". The stiffness of words may freeze the impression we shall try to give in Section IV of the process referred to; but the image of it is needful and has been with us.

III Approach to the future

18. The advancement of Indians is a matter of the future forms of relationship between themselves and the non-Indians of Canada. Some of these relations will continue to be between individuals; others (the more important) will be between groups and organizations.

19. A major question at the outset is: Has anyone the right to make recommendations concerning the forms of these *future* relations? Is it our business to judge as to whether, and what sort of, relations should be *developed* between Indians and non-Indians?

20. This is not a simple question. On the one hand, we see that many Indians, as individuals or as groups, do not want more, or closer, connections with non-Indians than they at present have: they prefer to be left alone. On the other hand, many Indians want to see present connections grow and widen (if only because, as it was put, this "will teach us the white man's cunning").

21. Two consequences of this split in the outlook of Indians can be foreseen: in fact, they are already appearing. First, the division among Indians challenges the collective life of Indian bands. If at all possible, Indians prefer to keep a collective judgment, to keep in step with each other. Have we to try to prevent a more general breakdown of collective action and thought? Second, the division among Indians will go further than creating "factions" within the band: it will set brother against brother. One will break with the reserve and go to live in the city; another will stay behind, to be "with his own people". With whom do we stand—with the brother who goes or with the brother who stays?

22. Our answer is that divided judgments and divers decisions are now as inevitable among Indians as among other folk who are changing, whether they want to or not. This division and diversity should neither confuse nor prevent our counsel; our support is for *all* Indians.

23. Even the Indian who wants to be left alone does not want to be left alone to die of starvation, of sickness, of lack of shelter, of lack of warm clothes. His desire to be left alone is qualified: he does want connections with the wider community through financial assistance, family allowances, old age pensions, loans, hospital care, assistance to get a new house. We have to free ourselves of sentimentality and point out to this particular Indian that, if he wishes to be secured against want and disease, the disasters of life cannot be made the sole or normal occasions for his relations with the whites.

24. As for the Indian who prefers to go the whole way with the whites, adopting their ways and living among them, that is his decision and it must be respected. Equally worthy of respect is the decision of those Indians (by far the greater number, at present and foreseeably) who prefer to keep as much as they can to Indian ways and to their Indian reserves and communities.

25. If in this Brief we seem to take greater interest in Indian communities, it is partly because they contain, and seem likely to contain, the bulk of our Indians, but it is principally because, *from the Federal Government's point of view*, "stay-at-home Indians" have made the less convenient choice. Their case, therefore, requires the stronger advocacy. Their legitimate expectations and needs require to be persuasively put lest the administrative difficulties of helping Indians fulfil them serve as a pretext for ignoring them. Of course, to all Indians who prefer to stay at home the same remark applies as we have already made—those who make a choice must accept its necessary implications. An Indian is perfectly entitled to keep his Indian culture (and, in our view, should be supported in this) provided that he does not ask the white man to pay the whole cost of the decision or even costs that are not necessary. That is to say, there are practical limits to the amount of Indian cultural distinctiveness that *can* be retained—unless the Indian is prepared to cut his ties for *worse* as well as for what may seem to him to be *better*.

26. Our purpose in introducing this discussion at this point is not just that we shall want to re-raise it in connection with the Indian's *political* and *economic* advancement, nor even that it serves as direct introduction to what we have to say about his "*cultural*" advancement but that it enables us to explain our concern about Indian *communities* as such, the terms of that concern, and our conception of the *whole process* which must advance these communities.

IV The Objectives and Process of Indian Advancement

(i) Objectives

27. When we speak (as we do) of Indian advancement to a certain goal, we do not pretend to describe what the particular objectives in life of an Indian shall be. These are for each Indian to choose for himself, as other Canadians choose for themselves. When we speak (as we have done) of our concern that Indians shall become full participants of the Canadian community, we mean only to say that they must become the full equals of other Canadians and that they cannot be this unless they can contribute to the life of the country—economically, politically and "*culturally*"—in the measure their non-Indian fellows can (though not necessarily in the same modes).

28. For an Indian, as for any other person in our country, the normal conditions of effective personal contribution and "free choice" would be

1. that he can support himself and his family at a standard equal to that of most other Canadians,
2. that he can co-operate equally with other Canadians in the social and political control of his community, local, regional and national,
3. that he can associate and express himself freely as a member of his "*cultural*" group in such ways as enable him to contribute the best of his inheritance.

It will again be noted that the first condition is *economic*, the second *political*, and the third "*cultural*", and that these three features of organized social life correspond with the features of the process previously mentioned.

(ii) The process (Some Preliminary Notes)

29. But before we can describe this process either *as a whole* or in its *main aspects*, we have to anticipate certain questions, avoid some misconceptions and expose some assumptions.

- (i) Because the three aspects of development described above do represent a process, there is close interweaving of these aspects, so that, for example, a development project occurring within the process may share *all three* aspects.
- (ii) The order given to the three aspects should not be taken to imply that one follows upon another strictly; we wish simply to suggest, through the order given, that if one aspect is to be thought of as *primary and basic* it is the economic and that if we are looking to a redevelopment of Indian "*culture*" it is more likely to occur after, not before, economic and political advances have been made. It may be useful to add the note that substantial fulfilment of the whole process will help produce an harmonious social situation in which the Indian will feel self-confident enough for easy co-operation with other Canadians.
- (iii) Having stated that the main attention of this Brief would be directed to reserve-Indians, we wish to make clear that this implies no indifference to other Indians nor the view that these other Indians face no problems. It does imply, however, that those who break with

the reserves, settle in towns and cities, become gainfully employed there and municipal taxpayers, cease to be persons for whom the Indian Affairs Branch is responsible and about whom therefore we need to speak. Of course, some Indians may fail to establish themselves and consequently may drift back to the reserves: in that event, they come within the central concern of this Brief, as persons who (after an unsuccessful trial elsewhere) are preferring to face their future in Indian communities. Those persons of Indian background who, unfortunately, do escape attention in this Brief, but with whom we, as an Association, are deeply concerned, are those luckless folk who were never registered Indians, never lived on reserves, never succeeded in our cities, and who, because through poverty they are not tax-paying citizens of a Province, drag out utterly wretched lives on the outskirts of townships, deprived apparently of many services, sometimes even schooling for their children.

- (iv) We do not start off with the automatic assumption that all the three conditions itemized in Para. 28 can be realized in *all* presently existing Indian communities *irrespective of their locations, populations, and natural resources*. On the contrary, it is obvious that some reserves are too small or too barren or too remote from foreseeable lines of new communication to be capable of the requisite development. It is also obvious that we must not expect *all* Indian communities to advance at the same pace, or at least to reach the goal at the same time. For today they are at different levels of social advancement.
- (v) (a) A still more serious misconception may be that, when we speak of developing Indian communities, we are essentially thinking of their *economic* development. Such a misconception, unless anticipated, would seem very naturally to follow from our earlier statements that the economic is the basic aspect of development and that the several aspects of the process cannot be efficiently combined where the economic potential of communities is deficient. Before proceeding to make clear what precisely we have in mind when we talk of developing these communities, some relevant observations must be offered.
- (b) First, we are not against Indians moving from reserves to towns and cities. We are convinced that this movement must continue, that in the long run its impetus must increase and that ultimately there will be no adequate economic alternatives for *most* Indians other than those offered by the industrial, commercial and professional employments of modern society. These beliefs appear to be reasonable even in the absence of proper surveys of reserve-resources. Yet these same beliefs, if used as the sole basis of current policies for our Indians, could amount at best to a kind of naïveté and, at worst, to insensitiveness. There is no present evidence that voluntary emigration from the reserves even matches the natural increase of population there; in other words, however many thousands of Indians take to the city, the number of those who decline the life of the city continues to increase. Again, in the current state of federal-provincial agreements, it is extremely unlikely that even population-presures upon the means of subsistence will force an exodus from the reserves capable of easing these pressures substantially: there is still more "security" on the reserves, no matter how low the level, than Indians would find in most places away from them. Finally, the entirely correct thesis that Indians must be free to move where

they will must not be vitiated by the illusion that, unequipped, they will cope with urban civilization, with the intense competition for jobs, with the activities of the unscrupulous, and with the problem of how to establish themselves in an expensive environment without adequate working capital. There are serious hazards to the Indians in unsponsored immigration to our cities. Demoralization of an acute kind may set in. Their latter state may be worse than their first. Therefore, a temporary breathing-space in which towns and cities could organize themselves to handle, better than at present, the special needs and difficulties of urban Indians could well be in the interests of Indians and public authorities alike.

There is a further point: the chances are slim that, in the next generation, more than a very few Indians settling in our cities will achieve or even want to achieve the same measure of participation in them as "human communities" that would have been possible in their original social groups. During the next twenty-five years at least, only a few urban Indians; relatively speaking, will escape second-class or third-class employments, and this will further decrease their chances of acceptance into urban leadership roles even if they should aspire after them. It seems safe, therefore, to conclude that in the foreseeable period ahead urban Indian morale will not be high.

These, then, are human considerations that have to be weighed against the undoubted advantages to the Indian Affairs Branch budget that flow from Indians escaping the Branch jurisdiction.

(c) Second, the human considerations referred-to are the essential ones when considering the development of Indian communities. "If you are planning for a year, plant rice; if you are planning for ten years, plant fruit trees; if you are planning for longer, plant men".

(iii) *The Process (General Description)*

30. (a) If the metaphor can be continued—we are by no means indifferent to the need for rice and fruit trees, but above all we are concerned that human beings be developed. And our opinion is that at the present time *most* Indians will find the *best* opportunities for this development while continuing to live on the reserves. "Community Development" is a concept which, of course, can have application to any and every community—to Toronto and to Temiskaming. But our view is that the Indians are more likely to feel their village to be their community than some large and face-less city. And our conviction is that only by the present generation of Indians coming to grips with the problems of communities that they can regard as *their own* will the social-psychological consequences occur that will enable their children to move—with some prospects of success because with some measure of equipment—into other, large and more "modern" communities. This is the supreme advantage of "community development" on the reserves—that it is *education*, that by promoting change in activities and in the degree of local responsibility for them it can produce a change in general outlook, in self-reliance and initiative. In such an environment and within such a development-process, there will be no need to categorize people either as "academic" or "stupid": each will have a part to play that he can play—with resultant access of morale. Nor will there be need to regret that not everyone is "machine fodder for prosperity"—machines will be too few. In

short, "community development" on reserves is something that all Indians can cope with; it will have novelties enough to stir imagination, challenges enough to excite endeavour, but nothing so complex or strange that it need bewilder or demoralize. Its criterion of success will not be *the material advances*. For it will be a short-term investment in Canada's native peoples from which dividends will accrue, not wholly or mainly in economic terms, but through *the general development of the individual participants*.

- (b) As the Committee will be aware, "community development" is a whole new view of how people can become more fully developed. Introduced into the stream of world thinking less than a generation ago, and powerfully influenced by the movement of ideas emanating from St. Francis Xavier University in the 1930's, "community development" is now part of the accepted philosophy and policies of all those governments, including the United Nations, that have to deal with populations that, for one reason or another, are not releasing their full energies or achieving full potentialities. The Canadian Government itself is supporting this same method in the programs it finances in other countries: it would be entirely appropriate that it should support it "at home".
- (c) "Community Development"—though we make no shibboleth of the phrase—stands or falls by its success in advancing every aspect of a community's life—the spiritual and moral, as much as the economic, the social, and, of course, political. Being a process of advancement of the individual members, they advance not because government or other "outsiders" tell them to, but because they want to—or enough of them want to. This does not mean that "community development" cannot begin unless the group has spontaneously proposed that it should. The Federal Government of Canada is responsible for the Indians not only in order to protect them from harm but in order to help them to positive achievements. The task of any Government is to lead—and in relation to the Indians and a rich fulfilment of their lives, our Government may lead, not by actual direction, but by persuasion, advice, encouragement and guidance. Discharging this role, it will help the Indians "from outside". But whatever the "outside" help to be involved, decisions that relate to community advancement, to the methods, and to the particular objectives from time to time selected, are firmly grounded in their own efforts. Some of the help they will need will be financial and the helpers will be administrators, technicians, instructors. But even this assistance will fail of full effect unless it comes essentially as moral help—from persons who "identify" with the communities without being sentimental about them; persons whose concern for material improvements is not materialistic and who can therefore face up to any material failures; persons to whom the communities will be ready to say, "Since you raised the question, these we find to be our needs; these our human resources; these our ways and conditions; we think we can get ahead if we can organize to use (along with *our own*) *your* knowledge, facilities and techniques; how do we set about it?" That gives the start to the process. It gives the character too. Inevitably the advancement thus begun interweaves economics and technology with politics and administration and with all that belongs to the intellectual, moral and spiritual side of social life.

- (d) It has sometimes been suggested that the "Community Development" concept contradicts the basic requirement of a sovereign body-politic that the latter alone can take fundamental decisions. Or, otherwise and more narrowly expressed, that, if it be a necessary condition of "Community Development" that an assisted community must be master of its affairs, this is incompatible with central control and with the State's accountability for the whole of State expenditure. Our own view is that, in relation to this problem, we must not rate too low the adaptability of democratic State procedures. Many States of this world have had to face the same question of how to make grants and authorize other expenditures with due regard to public financial control. Our Federal Government faces the same question, probably in complicated form, when it pays vast sums to be expended outside Canada. The United Kingdom Government faces it in a most complicated form when it allocates funds, under the Colonial Development and Welfare Acts, that are merged-in with other funds from private sources and other governments (those of the dependent territories). Yet no-one has so far complained that the principle of due authorization and controlled expenditure of funds has been violated in these various procedures. It would therefore seem that if there is a will, a way will be found to reconcile the need of Indian communities to shape their own destinies with the other needs, on the one hand for Government money and on the other for accountability in the use of that money.**

(iv) *Summary of Preliminary Discussion of the General Process*

31. (a) We have been discussing, in terms of frameworks, methods and procedures, the *general* process of Indian advancement which we have justified in terms of its *educational* value. It is time to conclude by returning to the question of the place of economics in community development. If we are realistic we shall recognize that there is more chance that the Government will invest in Indian community development if the costs of the education investment can be reduced by some economic successes; equally, that there is more chance that all Indians will work hard to develop their resources if they can see that economically also some Indians have gained by the attempt. We therefore think that the first projects in community development should be carefully selected from among those reserves that surveys have shown to have adequate economic potential. We do not expect that such surveys, when carried out, would uncover a general wealth-potential such as has already become actual at Sarnia, at Enox, at Hobbema, among the Albertan Bloods and Blackfeet, or the Squamish at Vancouver. These are the lucky Indians, who numbering only 4% of their people, own 48% of the Indian Trust Funds and who could afford heavy investments of their own if they had a mind to it. But we do expect that surveys would permit pilot projects to be developed that would raise some of the remaining 96% of Indian population above the subsistence line within a few years. To say

** Now that several of our Provinces are in process of developing Unions of Indian Chiefs that can ultimately act for the bodies of Provincial populations, it may be useful to consider some such device as that offered by the British Crown Agents whose salaries are self-supporting, whose funds are "derived from moderate fees charged on certain classes of business", who are appointed by the Secretary of State for the Colonies, work under his general supervision but act on instructions from the dependent administrations to whom they are immediately responsible.

this implies that, in pressing for community development, we are not asking that more than a few communities be developed *in the first instance*. To begin by doing a few things well is better than a lot of things badly. The psychological effects on Indian enterprise of a few successes well publicized at all stages could be very important for those later ventures into less promising areas that, within the next generation, must not be neglected. We simply add the suggestion that, if in the first instance the selected communities were to be in one region or sub-region, combining forest, fish, game and agricultural resources and permitting division of labour, unpaid labour projects (including inter-ethnic work-camps that have been organized successfully elsewhere) as well as trade and barter exchanges, development of these might serve as pioneer enterprises for other suitable "constellations" of communities elsewhere.

- (b) When regard is paid to economic betterments that recently have been occurring in some areas of the world where nature is not less hostile than in parts of Canada, we think that it would be a counsel of despair at this stage to conclude that, even in economic terms, nothing can be done outside the favoured Indian areas. At the moment, it is not improbable that the total income of our Indians (excluding transfer payments) is no greater than the expenses (including education and welfare) of present Indian administration. It will be hard to accept this as permanently necessary.

INDIAN ADVANCEMENT

(A) *The Cultural Aspect of the Process***

32. In this section we shall deal with a mixed bag of matters. First we shall say something about the "way of life" that still marks many Indian communities: this will be the *moral* aspect. We shall also say something about the *artistic* and *intellectual* aspects. And we shall conclude with the *behavioural* aspect; that is, with whatever relates to the *technical*, (including both manual and professional skills that respectively bear upon the economic and political aspects of Indian Advancement).

"Way of Life"—*Moral*

33. (a) Indian communities, it is clear, have distinctive ways of life. It is by no means clear that to most non-Indians these ways are worthy of respect. The reason for this hesitation is that most Canadians do not know of them. If we seek the reason for the ignorance, we find a major factor to be the failure of educational authorities to inform non-Indians about Indian culture.*** Not only so: educational authorities have neglected to provide our Indian people with the opportunities they need for objective study of their ways. This is doubly a pity. Especially the less depressed groups of Indians are proud of their cultural inheritance: it is one that is truly native to Canadian soil, and one the Indians would be happy to share. Again, not all the moral values of a way of life are summed up (as

** In this Brief and especially in this Section, we use the word "cultural" in a rather loose sense, wider than the traditional sense but narrower than the anthropological. How we *narrow* it will be obvious from the text: we *widen* it to include the moral aspects of social life and the technical skills, manual and professional. It is therefore clear that, in our use of the term, "cultural" cannot even be translated as "educational": though we are dealing with educational matters we are dealing with something more than schooling and something less than education—which for the Indians, as this Brief shows, is the *whole* process of their advancement, economic and political aspects included.

*** Museums, the Canadian Broadcasting Corporation and National Film Board have done more, in this regard, than educational authorities. But even they have not done enough.

yet) in the white man's way. To share another's way of life may be to enrich (without destroying) one's own. Cross-fertilization is what we should be after, and the building of respect and affection for those different from ourselves.

- (b) We have spoken of the largely negative attitude taken up by school authorities towards Indian culture. To be specific on a few of the related points, we lack evidence that much is being attempted which takes account of Indian history, folklore, song and other such expressions. As a strand within the fabric of European-style curricula, there would be nothing amiss with these *for all Canadian school children*. It would accord with the prevailing principle of "integrated schooling", an "integrated society", and so forth. Provincial Departments of Education are, of course, the responsible bodies in all matters relating to schooling. We suggest nevertheless that the federal government also has a function to perform in upholding the cause at all times, both by example and persuasion, in supplying information to the appropriate groups such as the publishers of school texts, and in consulting with bodies such as the Canadian Education Association, the Canadian Broadcasting Corporation and the National Film Board. We therefore recommend

THAT IN THE INTERESTS OF PRESERVING AND EXTENDING THE BEST OF INDIAN CULTURE, AND OF CREATING A PROPER RESPECT AMONG NON-INDIANS FOR INDIAN INHERITANCE AND ACHIEVEMENT, THE GOVERNMENT SHOULD DO EVERYTHING IN ITS POWER TO ENCOURAGE IN ALL CANADIAN SCHOOLS AN ADEQUATE ATTENTION TO THE WAY OF LIFE, HISTORY AND OTHER CULTURAL EXPRESSIONS OF THE INDIAN PEOPLE.

Artistic and intellectual

34. (a) There is little doubt that, at present and in proportion to their numbers and what we believe to be their potential, the Indian contribution to the artistic life of Canada is deficient. This does not surprise us: ancient Greece and Rome, Renaissance Italy, the Europe of "The Enlightenment", and so forth, did not secure their many achievements—in the fields of painting, sculpture, music, literature and so forth—from men and women who, though some of them might be at subsistence level, found their sense of security in their social and cultural existence to be threatened at the roots. In Canada at present, something is being done (and we welcome this) to give further training to artistically gifted Indians. But there will be something forced and artificial in this development so long as these artists are "isolated specimens". They need the support of a "public"; in particular the support of their people. Only as Indians in general advance the conditions of their lives, gaining confidence and achieving respect among others, will they be able to produce a "public" that will nourish the artist. More important; not until there is such a public will there be forthcoming from it the proper proportion of Indians to whom art forms will again be natural means to express "themselves". These will then arise as the mature and free expressions of a people, as genuine modes of Indian *self-awareness* and an important stream of enrichment of *Canadian artistic life*.
- (b) The artistic achievements of Indians in the past have not been negligible: the archaeology of their societies is a rich store-house that still needs further exploration: the evolution of their societies

across the country and their contributions to the development of modern Canadian history require more thorough examination. More and comprehensive research is therefore called for into these various expressions of the Indian past. The activities of such an agency as "The Glenbow Foundation", which is carrying out comparable work on the Prairie Indians, is quite admirable. But no absolute reliance, in a matter of this sort, can be placed on private munificence. Rather should Government secure a further development, covering the whole of Canada, of the work it has begun through the Human History Branch of the National Museum. We therefore recommend

THAT THE GOVERNMENT SHALL STRENGTHEN THE RESOURCES OF THE NATIONAL MUSEUM OF CANADA BY MAKING PROVISION FOR A MORE EXTENDED PROGRAM OF RESEARCH INTO INDIAN CULTURE.

35. (a) As with other aspects dealt with, the intellectual aspects of Indian cultural advance are ones where the role of Government as facilitator is more needed than its direct action. For this reason, we would refer first to the position of the churches; next to the position of voluntary organizations; and last to the remaining place of direct Government service.
- (b) The principal Churches of Canada have had as long, or nearly as long, an experience with Indians as Government itself. They do not construe their function as just providing the training and opportunities for religious worship, important though they believe this to be. They suggest they have a general role, which (to use a recurring thought of this Brief) may be described as "assisting the development of community". They would therefore wish to be regarded in some respects as community workers and as "*teachers or educators*" for the whole people. We propose that the Branch might ask itself whether the services of the Churches—outside the cure of souls, the schooling of young persons, and the management of hostels for them—might usefully be called-on.
- (c) Many Indians leave the reserves for shortish periods of employment elsewhere—often in the bush. Frontier College (a non-governmental body) estimates that around 10% of the labour force in the northern Camps it serves (at least in Camps not too remote from Indian settlements) is Indian. In Frontier College "classrooms" Indians are freely participating in rather more than their proper proportion. It is true that, for these Indians, the co-presence of whites is a source of some embarrassment (which, however, the College has found ways to overcome): the more important thing is that the College, in amazingly difficult circumstances, is managing to attract Indians into adult education and, through "liberal" studies in which they might be supposed to be uninterested, to widen Indian horizons, to stimulate Indian thinking about affairs, to diminish their fear of change, and to foster inner resources.
- (d) In submissions from several Indian band members, we have discovered a desire for adult education, of a kind that, rightly, does not feature in the Branch's adult education program. It is for adult education about Indian affairs (which of course are now a part of Indian history). Those suggesting this service (still a tiny minority, whose call for more knowledge may be big portent) want the means for guided study of the Indian Act, with copies available to the members. There have been suggestions that the Act ought to be

available in Cree; other suggestions that the Act, being written in formidable language, ought to be reproduced in a plain English—whatever the lawyers' heartaches. It is evident that *some* Indians, when asked for their opinions about the Indian Act, would like to know what the Act is, about which their opinions are sought. And they want to understand, within the context of wider Canadian society, the changes which are occurring; they want to ask questions about these changes, and, with the help of background information, to be able to assess the answers which are given. Not only is the administration of Indian Affairs virtually a closed book to them; the widening activities of Provincial Governments themselves—not least in their bearing on the Indians Act and Treaties—are providing a bewilderment to them. If their confusions could be removed and their understanding of affairs increased, then adult education, which is a means to culture, could also be a means to general social and civic cohesion.

- (e) There continues to be a great need on the reserves for more adult education of the 'down-to-earth' sort—about health, hygiene, home economics, diet, budgeting and so forth. We know that Homemakers' Clubs are playing a part here. But we regret that *men* seem to be so little involved in this learning. Perhaps male interests are more caught up by something that transcends the home—the community, for instance. We mention this now because of the relevance we think there is between development of communities and the mobilizing of male concerns. Community development ought to open up new areas of adult educational interest on the reserves. Among other agencies, Divisions of Adult Education within Provincial Government Departments of Education must be brought in. Before concluding, however, this part of our discussion, two footnotes may be added. First, where adult education is not primarily informational or scientific in character, it is almost always best provided by a *non-governmental* body. The independent body need *not* be looking over its shoulder every time "obstinate questioning" occurs within a field of inquiry where government policy is a factor: the development of this obstinate questioning is what indeed has to be sedulously encouraged. Second, wherever *liberal* adult education can be developed on reserves, it serves to complement the work that we ourselves are attempting in relation to the wider *non-Indian* public of Canada. Genuinely "*adult studies*", with social reference, not only enlarge and discipline the mind but create a social asset, the large-scale absence of which at the present time is a loss to Indians and the whole of Canada. Until Indians and non-Indians understand each other and their "affairs" better, there is not much chance of their mutual acceptance.

- (f) In summary then of what we have said in 35 (a) to (c) above, we recommend

THAT SERIOUS ATTENTION BE GIVEN BY THE INDIAN AFFAIRS BRANCH TO DEVISING NEW OR EXTENDED WAYS FOR FACILITATING THE USE BY INDIAN COMMUNITIES OF THE SERVICES OF THE CHURCHES, OTHER VOLUNTARY BODIES, PROVINCIAL DIVISIONS OF ADULT EDUCATION AND UNIVERSITY EXTENSION DEPARTMENTS IN ORDER TO NOURISH THE SOCIAL AND INTELLECTUAL LIFE OF INDIAN COMMUNITIES, BEARING IN MIND THAT ADULT KNOWLEDGE, UNDERSTANDING AND CONCERN HAVE THEIR EFFECTS ON

SOCIAL STANDARDS AND BEHAVIOUR, SUPPORT THE BETTER REARING OF CHILDREN, AND TEND TO CREATE A SOCIAL ASSET OF PERMANENT WORTH.

Technical

36. (a) Direct governmental services are relevant without qualification to what we call the technical aspects of our theme. There is no doubt that the traditional technical skills of the Indian are decreasingly required in the economic circumstances of today and here there must be a learning of new skills. This means that modern technical expertise must be embodied within the frame of Indian culture—if the Indians are to make the economic best out of their opportunities. Hence, government must provide, on a more extended scale, occupational training for young Indians. As for Indian students who seem unlikely to be able to complete the minimum qualifying Grade for entry upon apprenticeship or other training, they must be provided with more intensive trade-experience while still at school. As a long-term measure, this abridgement of general education for the sake of producing skills relative to jobs could be an unfortunate development; but, on a short-term view, the priority for job-training is inescapable. We therefore recommend

THAT THE INDIAN AFFAIRS BRANCH WIDEN THE SCALE OF ITS HIGHER VOCATIONAL-TRAINING PROGRAM FOR YOUNG INDIANS, AND IN ANY EVENT INTENSIFY ITS PROGRAM OF VOCATIONAL-TRAINING IN SCHOOLS FOR THOSE UNLIKELY TO PROCEED TO HIGHER TRAINING.

- (b) Not all the jobs which Indians must be trained if they are to improve their control of contemporary "conditions of life" will be those that relate to manual or machine skills. Some will relate to the control of local communities: they will be managerial or administrative skills, partaking more of the nature of arts than of applied science. For this type of "technical" occupation the prerequisites are rather sound judgment of men and affairs, a capacity for general understanding (which includes knowing how to ask the important questions), a wide curiosity about human situations and an ability to relate constructively to these situations. These qualities, which a good general education can nourish, will be improved in their effectiveness by special knowledge of, for example, public administration, social work, anthropology or sociology. These qualities, especially as improved by special knowledge, are admittedly in short supply. But our belief is that the supply could be increased not so much by short-term "leadership training courses" as by encouraging and assisting young Indians to qualify themselves at University for positions of Indian leadership. We therefore recommend

THAT THE INDIAN AFFAIRS BRANCH ESTABLISH A VIGOROUS PROGRAM OF RECRUITING AND TRAINING INDIAN LEADERS FOR POSITIONS IN THE SERVICE AND ADMINISTRATION OF INDIAN AFFAIRS AND THAT POSITIVE STEPS BE TAKEN TO PROMOTE AND PUBLICIZE THIS PROGRAM AMONG BAND COUNCILS, CHURCHES, SCHOOLS AND OTHER APPROPRIATE BODIES.

An Implication for the Non-Indian Public of Canada.

37. There is also an urgent need for the government to strengthen its own Information Services in relation to Indian Affairs. We speak from experience

when we say that the public is *under-informed* about the Indians of Canada and the manner in which the Government is discharging this important responsibility. Public opinion can be a help or a hindrance. So long as it remains under-informed about Indian Affairs, or lacking in understanding as to why *this* rather than *that*, it will tend to seem obstructive and unreceptive toward any government program no matter how far-reaching it may be. If the Government would interpret itself more vigorously to the public, boldly raising the questions that it knows to be exciting the public mind, giving the full facts and its own best explanation, this greater open-ness would yield large returns in furthering the cause of the Indian people. We therefore recommend

THAT THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATION STRENGTHEN ITS INFORMATION SERVICES BY PROVIDING THE PUBLIC WITH MORE INFORMATION ABOUT THE INDIAN PEOPLE, AND ABOUT THE POLICIES AND PROGRAMS OF THE GOVERNMENT IN THE ADMINISTRATION OF INDIAN AFFAIRS.

Indian Advancement

(B) *The Political Aspect of the Process*

38. Once again, a mixed bag of matters comes up for attention. We shall be concerned first with federal voting questions, next with local government, and finally with public administration and the need for decentralization and for tying together at the regional level the activities of the Branch, Provincial Government, Voluntary Bodies, and Indian opinion.

39. *Some Key Considerations for Interpreting this Section*

The great colonial administrator, Lord Hailey, said: "We should not give our native populations cause to complain that, when they had asked for bread, we offered them a vote." We sympathize with this point of view—the ballot box is neither a substitute for economic well-being nor a way to it; that is a major reason for our earlier claim that the economic is the prior aspect of Indian advancement.

But Government exists to help promote a life worth living in more than the economic sense. The Branch and the Department of Northern Affairs for example have recognized this in the large efforts made in Indian schooling: the Indian and Northern Health Services too have recognized this in their successful curative and preventive medical work with Indians; such a blessing as a common criminal law for all persons should, likewise, not be forgotten. As for the direct and indirect contribution which Government can make to the development of skills and the intellectual and artistic interests of our Indians, positive suggestions to this end have just been given.

40. (a) But there are two aspects of the matter we would emphasize, both of them relevant to Indian advancement.

(b) First, the capacity for adapting to the changes introduced by modern society has not yet properly grown inside the Indians (any more than has the capacity of the non-Indian to adjust his behaviour and outlook to the values of Indians). What therefore is called-for is a long-term effort to develop civic sense among the Indians, as a means to a wider social cohesion in Canada. We believe that "forces" making for this wider social cohesion of Indians and non-Indians are already presenting themselves among non-Indian groups. The grant of the federal vote would be one measure to help strengthen similar "forces" among the Indians.

(c) Second, Indians are still "objects of policy". In the last resort, power incarnate, in Indian affairs, is still to be found in Ottawa. Administratively speaking, this is not good—as we hope to show. But politically speaking, not even Indian access to the federal vote will prove of much avail so long as Indians are without effective influence at the local and even regional level. Therefore, whether Indians are to be given the federal vote or not, decentralization of control over their affairs must proceed towards the locality as far as is possible. And again, whether or not Indians are to begin immediately to use the federal vote, their effective participation in public affairs (and preparations for that participation) must begin in the local community, and extend outwards therefrom.

41. (a) At present, Indians by and large are without the federal vote. Ostensibly they are denied the vote—unless they be veterans—for no other reason than that they do not pay certain taxes. That the connection is very direct between having no vote and being exempt from tax on income earned on a reserve is evidenced by the fact that under Section 86 of the Indian Act the vote is given to any Indian who has executed a waiver of immunity from tax.
- (b) At first glance, this arrangement seems very fair. But it becomes puzzling when seen within the context of some other arrangements. Though Indians on the reserves are a Federal responsibility, the governments of British Columbia, Manitoba, Ontario and Nova Scotia have given them the vote, and the government of Saskatchewan will be giving it them in the current legislative session. Indians in the Yukon unconditionally enjoy the Federal vote and Indians in the Northwest Territories enjoy, on the same unconditional terms, both the territorial and federal vote.
- (c) If this situation is to be reduced to logical simplicity, then all registered Indians in all circumstances and places should either be deprived of the vote or be granted it. As between these alternatives, we submit that all Indians should be given the vote. And as to whether they should be penalized for the vote by losing the present income-tax immunity, we further submit that the answer is no. There is still some way to go before past injustices to the Indians are fully redeemed. Hence, in the matter of the vote, a measure of magnanimity to the Indian would today be quite in place. It is expedient he begin to elect his legislators; and it is not good sense to prevent this beginning while the "loss" to the Treasury remains so small. We therefore recommend

THAT THE FEDERAL VOTE BE GRANTED TO ALL INDIANS WITHOUT ANY LOSS OF ANY PRIVILEGE.

42. When the Indian Act was amended in 1951 powers were granted under that Act to enable Band Councils, deemed to be advanced, to raise money and even to control the revenue and capital sections of their Trust Funds. In nine years the pace of Indian advancement has been so slow, or at least the areas of advancement have been so spotty, that at this moment only 22 (or about 4%) of Indian Band Councils may raise money and only 2 (or just over .3%) of them may manage their own funds. Nowadays we may prefer to avoid talking about the "white man's burden", but the white man seems to be carrying over-much still. A better test of his trusteeship would be the size of the burden he could transfer. This calls not only for *willingness to transfer* the burden but for *specially trained staff* at the local level who would help forward the process

of transfer. Indian Affairs Branch administrators, magnificent at their best, ought to be at their best at the local level. No matter how capable the Indian Affairs Branch staff at Ottawa, no matter how expert the regional staff and firm in their grasp of practical things, the staff at the local level have the hardest job of all if they are not to degenerate into bureaucrats. It is *they* who offer the image of Federal Authority. It is *they* primarily who will modify that picture. It is *they*, whether Indian or non-Indian, who have to understand to a higher degree than others the people they serve, the particular area they administer, the needs of that people and area, and who, while competent to assist in a technical sense, must above all be persons of fine quality and understanding. If the development of a reserve-community is to get under way, it is the Superintendent in the first instance who must help the Indians to become involved in managing their own affairs in ways of group decision-making they understand and in relation to objectives they think important. We therefore recommend

THAT THE JOB OF THE LOCAL SUPERINTENDENT BE DEFINED IN NEW TERMS; THAT, SO FAR AS POSSIBLE, HE SHOULD BE RELIEVED OF ROUTINE ADMINISTRATIVE MATTERS AND GIVEN THE OPPORTUNITY AND TRAINING TO SERVE AS FACILITATOR AND COUNSELLOR OF THE INDIANS; THAT HE MIGHT BE GIVEN A NEW TITLE; AND THAT HE SHOULD BE EMPOWERED AND ENCOURAGED TO ESTABLISH ALL THOSE CONNECTIONS WITH LOCAL BODIES OF INDIANS AND WITH OTHER LOCAL BODIES, PUBLIC AND PRIVATE, THAT MAY HELP IN THE DEVELOPMENT OF LOCAL INDIAN COMMUNITIES.

43. (a) We have been suggesting how important are the political aspects of Indian involvement in developing their communities, since if the development is such as to capture Indian imagination, the chances are good that Indians will come to value political participation. It is our conviction that the general development of these communities ought not to be divorced from political development nor vice versa: indeed any attempt at such a divorce, we believe, would fail.
- (b) It is the Indian Affairs Branch which decides what measure of political responsibility is to be given to a local community. Naturally, the Branch, being trustee for the Indian peoples, will feel the weight of any decision it may take to increase the power in the hands of an elected local administration. "Is the white man justified in handing over to inexperienced citizens more responsibility for themselves? May not precious funds be wasted? May not unseemly factional squabbles and relative inefficiency ensue?" We ourselves do not favour inexperience being itself overstrained by too much burden at once. But not only is the old saying true that responsibility is acquired by being exercised but in fact there can be not sitting down on the principle that responsibility *can* be acquired by every Band Council. Once the principle of local governments, responsible to locally elected councils, was introduced into the Indian Act, the Branch was put into the position where failure to get it progressively applied in the 572 areas of possible application would reflect at least a little on the Branch itself. Now that it is beginning to be applied in a small number of instances, the Branch has to go on and apply it more and more, erring on the side of taking risks rather than on the side of limitation and restriction. Unless this is done, either the restrictions will be resented or, more probably, the institution of Band Councils will fall into disrepute. That is why we repeat

our plea for exploiting the function of Community Development to enable Indians to cope politically with problems they can see to be real. As this political process becomes effective, the Indians will move to a position where they can determine their own affairs without regular supervision from the Branch. We therefore recommend

THAT THE INDIAN AFFAIRS BRANCH SHALL CLOSELY LINK THE OBJECTIVES OF POLITICAL AND COMMUNITY DEVELOPMENT AT BAND COUNCIL LEVEL, SHALL MAKE GREATER USE OF ITS POWER TO EXTEND MEASURES OF RESPONSIBILITY TO BAND COUNCILS, AND SHALL TAKE A STRONG INITIATIVE TOWARDS THE DEVELOPMENT OF INDIAN COMMUNITIES UNDER BAND COUNCIL AUSPICES, SECURING THAT ADEQUATE PROVISION IS MADE—ADMINISTRATIVELY, AND TECHNICALLY—FOR AN EFFECTIVE PROGRAM OF COMMUNITY DEVELOPMENT.

44. (a) We have mentioned previously the developing importance of the regional aspect of Indian Affairs. We ourselves are quite convinced that it is upon the region that the lines of Indian progress must increasingly converge. There is no need to argue this point in principle, because for some time the Branch has been acknowledging it. We believe, however, that the principle should be more thoroughly applied.
- (b) It is our view that the regional offices should become centres both for planning and administration. In no other way can adequate or sufficient attention be given to the varying needs of the Indian reserves, whose development is notably uneven, not only from region to region, but from one reserve to another. Accordingly, regional officers should be given more responsibility and more authority. As an indispensable link between local and national effort, they should be called upon to shape national policies, and also be given wide leeway in determining the manner in which those policies are to be applied.
- (c) The increasing role of provincial governments further emphasizes the importance of the region, and if the present trend continues—as we hope it will—there will be increasing need for consultation and joint action by federal and provincial authorities. Since the regional area corresponds roughly with that of the provinces, we foresee that a major task of the regional staff will be that of developing a more effective liaison with the appropriate departments of provincial governments. It may be that in future, the areas under the supervision of the regional office should be brought more in line with provincial boundaries.
- (d) The augmenting role we propose for the regional offices has far-reaching implications for the organization of the staff and for their qualifications and selection. The regional supervisor whose experience and training qualify him for general management must of course hold the key position as head of the staff: for the rest, we propose that the functional divisions within each region be staffed by highly qualified persons who have the professional competence to develop an effective liaison with other organizations, both public and private, and to co-operate with the many groups with whom they are associated particularly their opposite numbers in the provincial governments.

- (e) We realize that decentralization of federal administration presents technical difficulties that may require time and effort before they can be fully overcome. Many of our proposals, however, require a change of attitude and approach rather than immediate changes in administrative procedures. For those that may be found to depend also on changes in the system of centralized financial control, we would suggest that a study be made of operations within the Department of Citizenship and Immigration and of other Departments of Federal Government for which a decentralized financial control has been found to be possible. Operations that must be carried out remote from the place where they are authorized, and particularly those remote operations that require the exercise of local discretion for full efficiency, are commonly thought-of as inappropriate to centralized control. Our understanding is that, even within the present activities of the Indian Affairs Branch, recognition is given to these considerations by a decentralized financial control for the B.C. Indians. If the Controller of the Treasury can maintain a separate officer for British Columbia, it seems hard to accept that a similar arrangement is impossible elsewhere.

With these various factors in mind, we wish to recommend

THAT THE INDIAN AFFAIRS BRANCH INTENSIFY ITS EFFORTS TO DECENTRALIZE ITS WORK MAKING THE NECESSARY PROVISIONS TO STRENGTHEN THE REGIONAL OFFICES AND DEVELOP THEM INTO KEY CENTRES FOR PLANNING AND ADMINISTRATION.

45. (a) An equally important policy, and one which the Branch has already put into effect, is that of developing the services of the Branch by the use of existing organizations rather than creating separate and parallel services for the Indians alone. We concur wholeheartedly in this policy and we congratulate the Branch for having set its course firmly in this direction. It implies a "horizontal" rather than "vertical" development, which once again places the regional office in a position of strategic importance.
- (b) The policy is applicable to all levels of administration, but has particular relevance to provincial governments, (and also to another federal service which we shall mention later). Federal-provincial co-operation in the field of education is an established fact. There are also other areas mentioned previously where co-operative planning and action has been both effective and beneficial. We believe that this is the pattern for future advancement and we suggest continuing exploration and consultation to discover new areas in which, by agreement, provincial services can be made available to the Indian people. The initiative in most cases will need to come from the Federal Government and we wish to offer the full weight of our support for this. We recognize, as all Provincial Governments must come to see for themselves, that they are involved willy-nilly in Indian affairs and that in some respects arrangements are overdue whereby better public services can be given—and perhaps more economically be given—to all the Indians of each Province, whether on or off the reserves. With these arrangements for our Indians must of course also come precise definitions of the division of the functions and responsibilities of the two levels of government.

We recommend

THAT, RATHER THAN CREATING SPECIAL SERVICES OF ITS OWN WHEN THIS CAN BE AVOIDED, THE INDIAN AFFAIRS BRANCH SHOULD CONTINUE IN ITS POLICY OF USING EXISTING SERVICES OF OTHER BODIES AT ALL LEVELS OF ADMINISTRATION, AND NOTABLY THOSE OF PROVINCIAL GOVERNMENTS.

46. We also foresee as desirable an increasing co-operation between the two Branches within the Department of Citizenship and Immigration—Indian Affairs and Citizenship. In a relatively short period of time the Citizenship Branch has developed a high degree of skill in working with voluntary organizations, and in helping to mobilize community resources in the interests of good citizenship, particularly in the field of inter-cultural relations. By an unobtrusive yet practical method of relating and adjusting their services to the needs of the community, the Citizenship Branch has won the respect and goodwill of voluntary organizations across the country. We believe that this is precisely the kind of help that the Indians need and would welcome. A team operation combining the experience and skills of both Branches would contribute immeasurably to the future well-being and advancement of the Indian people. We recommend

THAT THE MINISTER OF CITIZENSHIP AND IMMIGRATION CONSIDER THE POSSIBILITIES OF CLOSER AND MORE EFFECTIVE CO-OPERATION BETWEEN THE INDIAN AFFAIRS BRANCH AND THE CANADIAN CITIZENSHIP BRANCH IN THE DEVELOPMENT OF PROGRAMS FOR THEIR JOINT ACTION AND FOR JOINT CONSULTATION WITH COMMUNITY ORGANIZATIONS, ESPECIALLY AT THE REGIONAL LEVEL.

47. (a) A closely related point arises here. It is a commonplace now that whatever improvements accrue from an increasing co-operation between and among departments of government—both federal and provincial—Governments alone will not be able to give all the services that are needed, nor is it desirable that they should. Traditionally, the Indian Affairs Branch has enlisted the co-operation of non-Government bodies—chiefly the Churches, but increasingly now it is calling on the help of other community agencies. It is significant that the Indian Affairs Branch now co-operates with the Citizenship Branch, a provincial division of adult education and a University Extension Department to provide a folk school for Indians. As for the Citizenship Branch, it is in close and effective working relations with many voluntary organizations in the “citizenship” field. Some of these include projects in which Indians have a part; others attempt to meet the need for greater knowledge and understanding of our Indian peoples. From our own experience we know that many organizations such as Women’s Institutes, Home and School Associations, Farm Women’s Groups, Citizenship Councils, Y’s are seeking direction on how to work co-operatively with Indian organizations both on and off the reserves.

(b) We therefore foresee, as both desirable and necessary, an extending co-operation of government with non-government bodies and that, again, this co-operation will have its focus at the regional level. The mutual involvement of groups—both public and private—now well begun, cannot be stopped. But it needs for its full efficiency and development a thorough planning at the regional level, and a planning which has relation to programs that fit and complement

both the application of federal policies in Indian Affairs and the widening services by provincial governments already recommended. This planning cannot be effective without some machinery, and since (whatever the advantages of bilateral and other arrangements) regional planning cannot be piecemeal, we recommend

THAT REGIONAL ADVISORY COMMITTEES BE SET UP TO PLAN AND SUPERVISE PARTICULAR PROGRAMS FOR INDIANS—SUCH COMMITTEES TO BE COMPOSED OF REPRESENTATIVES OF INDIAN RESERVES, INDIAN ORGANIZATIONS, FEDERAL AND PROVINCIAL GOVERNMENTS IN THEIR APPROPRIATE BRANCHES OR DEPARTMENTS, CHURCHES, AND ESPECIALLY VOLUNTARY ORGANIZATIONS.

48. If there is to be improved liaison at the regional and local levels of administration, the process should be consummated at the national level. We think that the functioning of regional advisory committees will itself, in course of time, lead to a desire and need for occasional national meetings of representatives of these committees: if this should happen, it would be a welcome development—all the more welcome for being organic and unforced. But for the time being at least, the liaison we are thinking of at the national level will concern the federal government agencies that are wholly or may be partly concerned with Indians. Some facilities for joint discussion already exist; they might however be widened or more regularly used. We therefore recommend

THAT GREATER USE BE MADE AT THE FEDERAL LEVEL OF THE FACILITIES WHICH EXIST FOR MUTUAL CONSULTATION AND DISCUSSION BETWEEN ALL ORGANS OF FEDERAL AUTHORITY WHOSE WORK RELATES TO, OR INCLUDES DEALING WITH, INDIANS.

49. If there is to be a strengthening of the regional offices with consequent reorganization of staff and functions, it follows logically that there should be a similar strengthening of the national office. We are naturally not in a position to make detailed suggestions regarding the organization of the national office, except to emphasize that a realignment of functions in regional and local spheres places *more* rather than *less* responsibility on the national office. It does not necessarily mean more staff, but it does mean employing persons of national calibre in the senior positions, who can give the right kind of leadership. This leadership, at least in relation to regional staffs, is best described as a high-quality supervision in which the aspect of control gives place to stimulation. If at the national level the staff were able to communicate to others something of their own rich and imaginative thinking, matured as it would be by training and experience, this would mean a great deal for the whole Indian Service. It would attract to this Service some of the most able and disinterested young men and women and bring the best out of them. No matter how far-reaching may be policies and program for Indian advancement, they will fail in application if the staff are unequal to them. This, which is true at all levels of administration, has special point in relation to the national officers.

Indian Advancement

(C) *The Economic Aspect of the Process*

50. In this Brief we have been emphasizing the community aspects of Indian advancement, and we have given some reasons for this emphasis. The most important of these reasons, however—and the one we now add—

is that Indians have a special need for the support of their own group. The Indians being on balance underprivileged members of Canadian society and characterized by a complex psychological attitude, the condition of their undergoing a fairly quick social change without losing heart and getting bewildered is that, as far as possible, they keep together. We are grateful to the Canadian government that so far it has taken no steps (such as are evident elsewhere) for breaking up and dispersing Indian communities. We do however urge the need for continuing caution, and we shall now offer some remarks on a tendency we think we see for the Indian Affairs Branch, in some respects, to favour individual rather than community advancement.

51. During the last decade the Indian Affairs Branch has given top priority to education. On a certain assumption we think this priority is sound—namely, the assumption that the individual Indian of higher ability will acquire skills through education that will lead him to seek his future in the broader Canadian community. Our own assumption, however, is that this is not enough; that the Indian, being a product of an Indian community, should be enabled, if he prefers, to deploy his skills among his own people where he would feel “at home”. To say this is not just to repeat what we have said in Para. 50. Nor is it a product of isolationist thinking. Clearly too it is not provoked by economic considerations; it could more easily be defended in terms of politics and culture. If we introduce it here rather than somewhere else, it is because we want to draw the economic implications in the course of looking with a fresh eye at what underlies the Branch’s high priority for education in terms of schooling.

52. It is obvious that a man’s mind is coloured and toned by the group to which he belongs; for a fully satisfying life to the person, this group-life must be seen as important. It is almost as obvious that the action and structure of the group to which a man belongs is much affected by contact with other groups—even the *remote* reserve Indian is not immune. From this it follows that the recognition of divers groups distinguishable each from each by subtle distinctions of quality yet interdependent in the wide society is the very condition for the kind of political and cultural cohesion to which Canada aspires. Implicit within it too is the democratic ideal that allows some power over their own lives to groups within the state and especially within the Region. If this could be made clear to the Indians—or, more accurately, if the Indians could themselves see that basic arrangements of their lives did not threaten their groups directly or indirectly, many of them would feel less defensive about the social change that is occurring and less suspicious of some of the efforts that are being made on their behalf.

53. In an earlier section we have argued that the ultimate justification of “Community Development” on the reserves (as of the whole process of Indian advancement in its several aspects) is that it is educational. At the same time we have argued that, of these several aspects, the economic is prior. We have shown that these statements do not contradict each other. It should be obvious that unless a *start* can be made towards supporting community-life on the basis of a viable economy, that community-life will be precarious. It is true we have urged, in this connection, that for the next generation at least Canada should take no narrow view of its investment in the future of Indian communities—that, while seeking to restrict the net cost of the investment by economic successes in the more favourable localities, it should progressively invest in more and more of them and estimate its profits in terms of changed attitudes among Indians, heightened morale, and their enlarged capacity and will for further changes. Meanwhile, of course, education, in the sense of

formal schooling, will have been going on. This is exactly as it should be. But there is an important sense in which education, even as schooling, is a prime way of responding to the need presented to economic skills by a developing economy. Just because, on reserves today, there is no such economy, we believe that schooling for all but a small elite is being deprived of a good deal of its point. Even considered as an instrument of "culture-change", it is not succeeding as much as it might, since the early years of each child's life are being spent with parents who remain untouched by either a formal process of adult education or informal education through Community Development. However this may be, there is no denying that the reserve-economy at present does little to challenge the schools to produce the relevant skills.

54. We do not, of course, by any means imply that education is but the process of acquiring skills that relate to jobs. Is it also a means to develop the human being. But it is fair to say that fine human beings require, by and large, a community-environment that supports their fineness. If education, in the course of refining tastes and sensibilities, is also intended to assist Indian communities, then an effective start will have to be made towards making more of them into attractive places. In saying this we believe we are showing the proper relation of economics and education: when economic progress can begin to offer positive incentives to the training of skills and when it can contribute a decent environment to educated human beings, there can be action and reaction between the two thereafter.

55. In the 20th century we need scarcely be reminded that a decent standard of livelihood, for all but saints, is pre-requisite to a decent standard of living. To be preoccupied, as many Indians are, with brute needs and to have few domestic facilities for civilized interests, means to be permeated by underdevelopment, to be condemned to seem unintelligent or to practice mere cunning** when the situation demands intelligence and honest effort, or to prefer the amnesia of strong drink to a clear awareness of harsh realities; it means to depress one's children by contact with one's own incompetence and to limit the achievements of those favoured few who have superior and trained abilities: not only will *average* trained ability come to feel frustrated but the favoured few may leave their group for good and all.

56. Because this is so, there is the urgent need to give top priority to economic matters. As we have stated before, the aim should be not to relieve the Indians of their share of responsibility in this regard, but to put the Indians into a position where they can exercise responsibility—and on terms in which they will realize that any ultimate failure will be theirs.

57. This means that the initiative must be taken by the Branch. Apart altogether from preliminary review and assessment of the economic potential of the reserves, this initiative must include bringing capital to the reserves. With a few conspicuous exceptions, Indian band councils do not yet have the means for capital investment on the requisite scale. Nor, as things stand and for reasons one of which will be dealt with in the Section on Legal Status of Indians, can any reliance be placed on non-Indian capital finding its way to the reserves. *At this stage*, if funds are to be found, Government must find them. It can be forecast that immediate capital needs cannot exclude public services as such—roads, water supplies, electricity and so forth. Even if Indian legal status were itself to offer no problem to non-Indian private investment, there could not be much hope of such investment while essential public services are

** What the Lagassé Report ("People of Indian Ancestry in Manitoba", 1959, Vol. I, p. 150) has to say about Métis might be applied to many Indians: "because of the extreme poverty prevailing... learning how to obtain social assistance is one of the basic skills which must be learned in the same way as one learns to fish or trap."

lacking. This private investment (which we hope, in the event, will be Indian by origin) will come when the reserves have already advanced some way along the path of economic development. Meanwhile, the crucially important part which Government has to play is that of setting the reserves off on the process of economic growth. This cannot, or ought not, to occur until reserves have been surveyed for their economic potential and until Indians living on reserves with deficient economic potential have been presented with clear information about the best they can hope for if they stay where they are and the best that could happen if they chose to move away. (Removal, *which must be voluntary*, could be either to a specially created new reserve or conceivably to some non-reserve area where, with some newly-acquired skills, the Indians could make a better living).

58. Last year, in certain parts of the world, peoples were being "developed" with the help of over fifty-eight millions of Canadian Government dollars. We are of course at one with our Government in this assistance to less developed people outside our country. We mention it because it is relevant to the kind of concrete assistance that we believe our Indians stand pre-eminently in need of financial and technical assistance to enable them to help themselves more effectively and to develop their communities into better places.

59. We therefore recommend

THAT, ON THE BASIS OF INDEPENDENT SURVEYS OF THE ECONOMIC POTENTIAL OF RESERVES, THE INDIAN AFFAIRS BRANCH GIVE TOP PRIORITY TO DEVELOPING THE ECONOMIC GROWTH OF INDIAN COMMUNITIES BY A VARIETY OF MEANS, INCLUDING THE PROVISIONS OF INITIAL CAPITAL INVESTMENT ON THE BASIS OF WHICH INDIANS CAN PRACTICE "SELF-HELP" MORE EFFECTIVELY.

V *Legal status of Indians*

60. Our own studies of the Indian Act have brought us, time and again, up against complex legal questions. In our Brief so far, we have not so much as hinted at these, partly because we wanted to indicate what changes could occur within the present framework of the Indian Act and partly because we preferred to present legal questions all in one place.

61. In this, the final argument of our Brief, we wish simply to isolate for special attention three aspects of Indian status, to be found within the Act. They are involuntary enfranchisement, administrative justice and property rights. We shall prelude our comments on these with a brief discussion of those Treaties which, though they do not determine Indian status**, are often considered along with it.

62. (a) The Treaties between the Crown and a proportion of the Indians are a matter that cannot be avoided, whatever one's views about the Treaties. Many Indian bands cherish them. They are valued not for what they surrendered but for what they secured, not as evidence of unequal powers but of treaty-making competence. If today Indians will speak of themselves as belonging to such and such a "nation", they mean their nation that had treaty with the Crown that promised this and that. And how, in the light of subsequent events, do the Indians describe their experience with the Treaties? That what they surrendered they cannot recover, that what they

** One point of direct connection between the Treaties and Indian status is that, if an Indian is "under Treaty" and then becomes "enfranchised", he loses his Treaty status as well as Indian status.

retained can be encroached upon. These protections of the defenceless Indians, that in the past have actually sheltered them in several ways, are now apparently powerless to prevent encroachments. For, under the Act, the land of Indians (title to which is vested in the Crown) can be compulsorily acquired for public purposes.

- (b) Not only through submissions received but also through personal discussions with Indians, we are aware how bitter their feelings are about some of these encroachments. We know also that those Indians who, on one ground or another, mistrust the white man tend to focus their bitterness on some Treaty right, the alleged violation of which becomes a rallying-point for anti-white sentiment and agitation. For these Indians, therefore, a Treaty becomes at once a sacred document of inviolable rights and a potent symbol of current wrongs. This development causes us, as an Association, direct concern: we think it should be causing the Government concern as well. There appears to be considerable uncertainty—among non-Indians as well as Indians—as to the status of this and that Treaty. It is true that all questions can be resolved in the courts; but for the 94% of Indians whose worldly wealth—locked up in Trust Funds—averages hardly \$90 apiece, expenses of litigation are not lightly assumed or borne. In this connection we would draw attention to the previous Parliamentary Committee on Indian Affairs, and recommend that serious consideration be given to that section of its Report to the Senate and House of Commons which says

“that a Commission in the nature of a Claims Commission be set up, with the least possible delay, to enquire into the terms of all Indian treaties in order to discover and determine definitely and finally such rights and obligations as are therein involved and, further, to assess and settle finally and in a just and equitable manner all claims or grievances which have arise thereunder.”

63. We now pass to consider administrative powers in relation to justice for Indians. We cannot say we are satisfied that present judicial arrangements are as good as they might be. We would like to see all the powers of the Minister and the Governor-in-Council in what pertains to their discretion under the terms of the Indian Act very carefully reviewed by a competent body with a view to determining whether rights of Indians, as individuals and in their groups, could be better safeguarded. In disputes between parties of which either the Minister or Governor-in-Council is one, is there ever a question of law and the need for submission of legal arguments by the parties? Equally important, in such disputes, is there ever the need to ascertain the facts by evidence adduced by the parties? If both this question and this need sometimes arise, then there may be a judicial rather than quasi-judicial issue, which in our view should not be resolved by an administrative agency. If only the ascertainment of facts is in dispute, then the issue is quasi-judicial and the application of the law to the facts so found becomes administrative action the character of which is determined by the Minister's or Governor's free choice. Even if enquiry revealed that only quasi-judicial issues ever arose, there remain the question of whether the Minister or Governor-in-Council acts alone or through a tribunal, and if the latter, then the questions of the composition of the tribunals, of their procedures and rules of evidence when they act in the name of the Minister or Governor-in-Council.

64. “Compulsory enfranchisement” is our next legal question. We are informed that the administrative power whereby, under Section 112 of the

Indian Act, an Indian or a body of Indians may be involuntarily deprived of inherited status, is a power that has never been used. If the intention was and is never to use it, why was it assumed? If there is at least a conditional intention to use it, what are the conditions? All we can discover from the Act is that, if (*in the view of a Committee and the Minister*) an Indian or a body of Indians appears to be capable of, and desirably should follow, an enfranchised way of life, the conditions for enfranchisement are fulfilled and actual enfranchisement will follow. To "force a person to be free", however, seems a contradiction in terms—at least if we are dealing with adults who have committed no wrong. And to force him in this way without his being heard seems contrary to natural justice. We believe that this section should be thoroughly examined by a body of experts for clarification of its intention as well as its meaning.

65. (a) Finally we turn to Indian property rights. We shall consider these only in a restricted field, though within the area of greatest importance. This restriction will mean that we say nothing about Indian rights in relation to Trust Funds (Revenue or Capital) nor about the control of these Funds, Testamentary Succession, Income Tax, and (in the Prairie Provinces) Protective Trading Controls. Instead, we shall confine ourselves to what we think follows from linking property interests with membership of a band and legal residence on a reserve. The consequences of this are such that there is a question in our minds whether the kind of property-rights that an Indian today possesses are the most appropriate to his future development. The answer to this question we do not of course pre-judge, but to us it appears of such moment and complexity that we would like it to be looked into by a specially equipped body.
- (b) These rights seem to define a pre-modern property system and to have bearing on the following matters: free contract, security for credit, and the raising of capital from non-Indian sources. The important factors within these rights are the limitations on ownership, mortgage, pledge, seizure and distraint.
66. (a) Lands in reserve may be occupied or possessed but never owned by an Indian; even within the area of a band, transfer of possession may only occur with the Minister's approval; a minority of Indians within a band may have their lands surrendered and alienated if a majority approves and if the approval is accepted by the Governor-in-Council.
- (b) These features imply that no Indian has the right to do what he likes with his land. He has no sovereignty over it and no power of disposing of it freely. Therefore exchange, which is an agent of production, is hampered.
- (c) We wonder whether this is altogether for the best? If it is, then we would simply point out that it contradicts precisely those features of landed property that, in Western ideology, have been most advocated as being indispensable to property's best utilization. Certain it is that, whether because of the pre-modern system of reserve property or because of other facts, diffusion of property among Indians is feeble, forms of property organization very unvaried, and the stimulus to wealth production relatively inactive.
67. If an Indian has property interests on a reserve, he is exempt from pledge, mortgage, seizure and distraint in respect of them at the instance of

any non-Indian.** Although most Indians value this immunity, a penalty is paid. If an Indian cannot mortgage such property as he owns on a reserve, he is unlikely to be able for productive enterprise to procure necessary credit from ordinary sources. Or, otherwise expressed, if a non-Indian is unable to seize an Indian's reserve property or to distrain upon it for repayment of a loan, he is unlikely to be willing to extend the loan (except of course for conditional sales). It is this situation which has led one Indian band council to propose a new subsection to Section 88 of the Act that would abolish the "protection" of Indian property in respect of those bands deemed to be "advanced". Some easement of the position may accrue from such a measure; but for it to have much practical effect the pace of "advancement", as determined by the Indian Affairs Branch, will have vastly to speed-up as compared to the last decade. We ourselves, while not excluding such a measure, believe that the whole situation, from which this proposed subsection offers a conditional escape, must be thoroughly examined for its general long-term effect on the economic advancement of the Indian people.

68. In Section 59 we recommended that the initial capital for developing Indian communities must come from Government. We would not, however, want to see an indefinite continuance of heavy public investment. That is why the credit position of the Indians becomes of such importance. Credit is a particular mode of production that enables more wealth to be produced. In this, it resembles exchange and division of labour which, like credit, are restricted by current Indian status. Beginning as *real* credit (a transfer of the means of production guaranteed by pledge or mortgage) it can continue as *personal* credit and give place more and more to it in the form of banking accounts founded on the word of the borrower. Wherever the process of credit can start and develop, it serves—as does land ownership—as a great incentive to employ wealth productively. But how is this incentive to be adequately provided?

69. Paragraphs 65 to 68 have raised questions concerning the impact of the present status of Indians on the basic stimulus to production and on the actual production and utilization of wealth. It is our view that these questions may be far-reaching: like the roots of a tree they may spread far underground and impinge on areas that look remote. Powers of gift, for example, and testamentary bequest are very clearly connected here; it could very well be that even the issues raised in Paragraphs 63 and 64 would find their practical solution through the answers that would come from a "follow-through" of these questions. But what in all would be involved cannot safely be forecast: the questions need to be probed in a painstaking way by full-time experts engaged expressly for that purpose.

70. This brief finishes with unanswered questions. The main bulk of it, however, has been filled with proposals for actions that require no legislative change. These proposals chalk out a path for immediate advances: they could easily absorb resources and energy for years. But needful though they are in our opinion (and not to be delayed on any pretext), they represent only interim measures. What is still required is a broad and solid highway on which the Indian can move forward without let or hindrance. That he cannot do so now is because none of us yet understands how to master the problems of this transitional phase. That is why we make our biggest plea for an intensive, full-time study of certain key problems. If studied in connection with what we already know about the human stresses and strains of a transitional phase, these problems may yield answers that will be found to imply a general reconstruction of the Indian Act. Such a reconstructed Act may put the Indian on a road where

** Goods supplied to an Indian under conditional sales agreements are not to be included in this statement.

he will find as he walks that compared with other Canadians he is at no disadvantage in moving to his goals.

Consequently,

BELIEVING THAT THE LEGAL ASPECTS OF THE PRESENT SITUATION OF THE INDIANS MAY HAVE LONG-TERM PRACTICAL IMPLICATIONS FOR THE INDIANS' ADVANCEMENT THAT CANNOT, ON THE BASIS OF PRESENT INFORMATION, BE ADEQUATELY ASSESSED, WE RECOMMEND THAT THE FEDERAL GOVERNMENT SET UP A NATIONAL COMMITTEE OR COMMISSION TO UNDERTAKE A THOROUGH-GOING AND DETAILED STUDY OF THE SOCIAL, ECONOMIC, POLITICAL AND JUDICIAL CONSEQUENCES OF LEGAL STATUS; SUCH A COMMITTEE TO BE COMPOSED OF HIGHLY QUALIFIED PERSONS SERVING AS SALARIED MEMBERS FOR FIVE YEARS.

VI Conclusion

71. (a) It has been said that all remedies for social imperfection incline either to the principle of Order or to that of Liberty. In our observations so far we have been inclining to Liberty while avoiding a challenge to the present Order. We have supplied the reason for this uncertain behaviour—the STATUS of Indians, and the many implications of this, need to be systematically examined by other than part-time persons. We see the conditions of civilized life for the Indians: we see the general process towards them; we see the present situation. We see that there has to be a continuing effort to create among the Indians, material well-being, civic sense and social cohesion: we do not see, nor does anyone else (we think), whether, and if so how, present safeguarding of the peculiar Indian rights and present enforcement of their peculiar disabilities can be combined harmoniously with their journeying to the Good Life. This is a critically important question: without an answer to it, all else may turn out to be mere palliative. And if (as we have argued) an economic advancement towards the Good Life is the “prior” aspect of the Process, then we need primarily to know whether economic penalties inhere in a retained status quo. If they do, the Indians should be told and *fully consulted*. Any penalties should be removed *only with their consent and with their full understanding of what would be involved*.
- (b) We have not construed it to be our job to make very specific recommendations for dealing with what is wrong in the current situation of Indians. We have, of course, broadly indicated the kinds of measures that we suppose would be helpful; where not this much has been visible to us, we have asked for a commission of enquiry by experts. No more than this should be asked of a non-governmental body.

The VICE-CHAIRMAN: It is our pleasure this morning, ladies and gentlemen, to have with us the Indian-Eskimo association of Canada. Mrs. Clark, the president of that organization, I would ask you to introduce your delegates.

Mrs. W. H. CLARK (*President, the Indian-Eskimo Association of Canada*): Thank you, Mr. Chairman.

I should first like to say that we appreciate very much this opportunity of appearing before the joint parliamentary committee, and to tell you that we have put a great deal of time and thought into the preparation of our brief.

We sincerely hope it will make a real contribution to the thinking of this committee.

The members of the delegation, whom I have pleasure in introducing are: To my right, Mr. John Melling, who is the executive director of the Indian-Eskimo association; and Father Renaud—I am sure he is known to many people here—the vice-president of the Indian-Eskimo association.

Then we have, sitting modestly in the background there, Dr. Monture, who is a member of the executive. He has to slip away at a certain time this morning and has therefore declined to sit with us, but he will be part of the delegation this afternoon. Mr. Moses will be in later on.

There may be other members of our executive committee who will drop in later on, and I would like to have the opportunity of just naming them then.

The VICE-CHAIRMAN: Certainly.

Mrs. CLARK: Mr. Chairman, because we are a new organization, we thought you might like to have a few words from us about the organization.

The VICE-CHAIRMAN: That is a very good idea, Mrs. Clark.

Mrs. CLARK: I do not know whether the members of the parliamentary committee know that the Indian-Eskimo association, as it is now constituted, is only 3½ months old. We received our charter from the federal government in January, and we are now established as a non-sectarian, non-political, independent organization dedicated to the cause of Canada's native people, not only working on their behalf, but working with the native people and inviting them into our membership.

Our history goes back a few years (the work is not just 3½ months old)—I think to about 1953, does it not, Father Renaud?

The REV. FATHER A. RENAUD, (*Vice President, the Indian-Eskimo Association of Canada*): 1954.

Mrs. CLARK: Yes, 1954, when there was a group in Ottawa that met under the chairmanship of Father Renaud, to look at the problems of Indians—mainly the problems of Indians on the reserve and in the cities, was it not, Father Renaud?

FATHER RENAUD: Yes.

Mrs. CLARK: That committee met for a period of three years, and was composed mostly of the senior civil servants who were immediately concerned, in their work, with the problems of Indians.

After that period of operation they felt it needed a broader base of operation, and through a series of consultations, conferences, etc., the Canadian Association for Adult Education was asked to set-up a committee to make a study of the Indian situation in Canada.

So, in 1957, the Canadian Association for Adult Education set up a national committee which became known immediately as the National Commission on the Indian Canadian. Perhaps you have heard of the N.C.I.C., as we became known. Then it began its work.

The National Commission on the Indian Canadian operated for a period of three years, almost to the day, from the time it started to meet and the I.E.A. came into existence. We now think of that 3-year period as our apprenticeship, though as apprentices I think we can say we were very busy people.

That apprenticeship served to demonstrate two things: First, the growing awareness of the public, the interest of the public from one end of the country to the other, in the future of our Indian Canadians. Without any fanfare of publicity we were established to give whatever service we could, but primarily to make a study of the situation. We received mail enquiries, requests for help,

for assistance and advice from all parts of the country—almost more enquiries than we could handle. So, that is the first thing we learned, that there was a growing awareness on the part of the public and concern for the Indian people.

The second thing which was demonstrated was that there was need for some kind of a national body, some group that would serve as a focal point, a central clearing house, a stimulating, coordinating group to act for the whole of Canada.

So, having come to that conclusion, we started, about a year ago, to secure our charter; and we are now an independent organization.

We see our job in a two-fold capacity. On the one hand, to know and understand the situation of the Indians, their hopes, their aspirations; and also to know and understand the administration of the Indian affairs by the government. That is on the one side.

On the other side, we see our job as doing everything within our power to create an informed public opinion. We could give you our list of objectives, but, in broad terms, those are the two features of our job.

We are built up as a membership organization, and we are prepared now to invite and, in fact, are inviting any individual or group that subscribes to our purpose, to become a member of our organization.

At this point, Mr. Chairman, three and a half months old, we cannot say how many members or what the character of our membership is. But we know, from the nature and character of the many people who have worked with us in this preliminary period, that we do have interest and support demonstrated on the part of local, provincial and national groups and, increasingly, many Indian individuals, Indian bands and Indian organizations; and we are extremely proud of this fact.

Mr. Chairman, we did send a bulletin to the members of the committee, and I thought perhaps we should put it on the table, in case anyone wanted to get full information about our organization. This is what we call our birthday bulletin, which tells the story of our organization, who we are, and what we are trying to do. We would be very happy to distribute this to anyone who wants further information about the organization. I believe we also have membership folders.

FATHER RENAUD: No, no membership folders.

Mrs. CLARK: What have you got?

FATHER RENAUD: Just the bulletin.

The DEPUTY CHAIRMAN: Could you pass them out to the members of the committee who may have been sent copies but may not have a copy with them?

Mrs. CLARK: Mr. Chairman, I was going to suggest that Mr. John Melling, our executive director, might give a few introductory remarks about our brief—that is, unless there are any questions you would care to ask, which we would be only too happy to answer.

The DEPUTY CHAIRMAN: I think, if Mr. Melling is going to make a few introductory remarks, then we could proceed section by section. He could read the recommendations, and we could discuss each one as we come to it. I think that would be better, in view of the fact it is rather a long brief. I think it might be more orderly if we did it that way.

Mr. JOHN MELLING (*Executive Director, the Indian-Eskimo Association of Canada*): Mr. Chairman, on Monday of this week we prepared a 2-page outline of our brief, and with your permission, and at the end of my introductory remarks, I would like to distribute copies of this 2-page outline to the members of the committee.

As you might forecast, there was so much material to be summarized in the two pages that we could not get in either all the recommendations or the whole of the argument which supported them. So I propose, Mr. Chairman, to attempt to present a number of additional points to the committee, which we hope may illuminate both the argument contained in the brief and the recommendations.

The VICE-CHAIRMAN: Fine.

Mr. MELLING: Before I pass to doing that, I would like to make some very general comments about the brief, as a document. In the first place, it is not simple reading, but this is because the situation it attempts to describe is not itself a simple situation—a remark which I think Colonel Jones and all his staff will heartily endorse.

Secondly, we have deliberately set out to present principles in this brief, rather than a mass of facts. This is not to suggest that in our own preliminary discussions we decided to ignore the facts; but in presenting the results of our discussions we were anxious to show the wood, rather than the individual trees.

Thirdly, unless we can be convinced by the arguments of this committee, we, as an association, wish to have the courage of our own perceptions and insights and to try to find, in local situations, the local applications for the principles we have offered in the brief.

Now to my introductory remarks strictly, so-called. First, we are always being reminded that the Indians are no longer vanishing, and in our own brief we make a number of complimentary remarks to the Indian affairs branch about the efforts they have put forth in attempting to cope with a rapidly increasing Indian population in our country. On the other hand, it is not so widely recognized—though our brief draws attention to this—that Indian communities themselves are not vanishing. That is to say, however many thousands of Indians may be choosing to cut their ties with the reserves and take up life in modern towns and cities, many more Indians are preferring to remain in their own communities, seeking to make the best life possible for themselves in their own parts of the country. It may be that we have been over-impressed by the marryings out of Indian girls, by the degree to which Indians who live in the southern part of our provinces, and who are within access to modern urban employments, are choosing to try to follow the modern way of life, while we are forgetting that the overwhelming bulk of the Indian population is remaining where it is, on its reserves, and apparently trying to seek its future as members of Indian reserve communities.

The second point that I want to make is this; that though that is true as far as the bulk of the Indian population is concerned, these Indian communities are not any longer islands unto themselves, and there has been a growing impact of modern Canadian society upon them. Very often these Indians will say that they want to be left alone; but in fact it is clear that they want to be in modern Canadian society. They do not want to be left out of it; they want to be in it—at any rate, for certain purposes.

Therefore, the second point that we would like to offer is that this desire of Indians not to be left alone, but to be in modern Canadian society—at any rate, for certain purposes—is a fact we should take into account in our policy and try to derive full advantage from.

The third point is that part of the total impact of modern Canadian society on these rather remote Indian communities has been the impact of modern Canadian social standards on Indian expectations. But there has been no corresponding rise in Indian income; no rise in Indian income adequate to enable them to satisfy these rising expectations. We, as an association, are of

course not being so silly as to suggest that the Indians in their communities are worse off than they were. We have enough evidence to know that in many respects their lot is an improving lot in Canadian society.

On the other hand, there is no evidence that we know of which would suggest anything other than that there is a growing imbalance between the progress of Canadian society in general and of Indian communities in particular. It is this growing imbalance between the progress of Canadian society in general and of Indian communities in particular which we believe, on the basis of evidence that is submitted to us, lies at the root of current Indian dissatisfaction.

My next point is that the federal government is genuinely worried about this, and about the dissatisfaction which Indians feel in their current situation. We also believe that more and more provincial governments are worried about this too, because it is not only the Indian Affairs Branch which nowadays is involved in Indian affairs; the provincial governments, in the very process of applying their own increasing legislation, are willy-nilly brought into contact with the Indian populations. There is, then, we feel, an increasing concern, on the part of governments in Canada, regarding the Indian situation.

But our fifth point is that the federal government at present appears to have no major idea as to how to cope with this growing imbalance and with the increasing Indian dissatisfaction, unless it be on terms of getting more and more Indians away from their reserves, out of their communities into modern urban employments. This, I think, we can reasonably infer from the very high priority which the Indian Affairs Branch has been giving during the post-war years to education, to the schooling of young Indians, to the development of vocational training facilities for those who can meet the minimum academic qualifications, by the development of scholarships for Indians, and so forth.

Certainly, we as an Association are very grateful for this emphasis upon education; but we do feel that underlying this emphasis on education is a belief that the Indian advances as an individual, rather than as a member of his community; and it is to stress the community aspect of Indian advancement that we have directed a lot of attention in our own brief.

We feel that the policies of the Branch, in so far as they have expressed themselves through educating Indians away from the reserves, have yielded dividends only for a small minority; that the bulk of the Indian people has, in fact, not been able to meet the requirements of higher vocational training, and that therefore they have remained where they were, members of their own Indian communities. Moreover, the resources within their own communities for maintaining livelihood have remained so undeveloped that more and more of these Indians have been compelled to become what might be called industrial nomads, supplementing the meagre amount of income they can derive within their communities by casual and seasonal employments out in the white man's world. These people are in fact a kind of flotsam and jetsam on the surface of modern Canadian society, moving about all over the place in the bare effort to avoid sinking.

We feel this is a situation which cannot permanently continue, and that policies must be devised which will relate directly to Indian communities and to the development of the resources of Indian communities—or within access of Indian communities—so that a more satisfactory livelihood can be built up by these people in those parts of Canada where they feel at home.

When they say that they want to be left alone, I think their desire to be left alone is a very qualified desire. What they are really trying to say, we think, is:

"We want help, a lot more help from the white people to live our own lives in the areas where we belong. We want a lot more help from the white

people so that we can manage our own communities and their affairs better. We are asking for technical, administrative and financial help so that we can make our own way better in our own communities."

To do this, of course, we believe they will want political freedom not only through the federal vote—(as an association we have greatly welcomed the grant of that)—but through greater measures of responsibility in their own communities, in order that they can make their initiative and their enterprise much more real.

If we are right in supposing that this is what the Indians really want, it is the classic type of situation in which community development may begin; and we believe that if the process can be effectively begun of transforming Indian communities, this whole experience will be for the Indian participants themselves so educational that they will come to terms with their present fear of change.

This is their opportunity, and even more, their childrens' opportunity for great and further changes in the days to come.

We believe Indians should have this opportunity for developing their own communities, with just so much outside help (which must come from the government, we feel) as will enable them to manage their own affairs better. We believe profoundly that this help should be given to the Indian population of this country, at any rate to that depressed group of Indians who, at the present time, are largely remote from our towns and cities.

Our final point is that the Indian Affairs Branch, is not yet properly equipped to take on this new and difficult helping role. We feel that approaches to provincial governments are not yet far enough advanced to bring these things into the picture. We believe that Branch negotiations with the treasury have not gone so far as to provide the requisite financial aid, which economic support of the development of these communities will entail. And finally we believe that the Branches approach to the band councils has not yet gone to the point of asking these band councils what their needs are and what are the needs of the communities, rather than the needs of individuals which so often take the form of requests for relief.

I began by speaking about communities, and my last word has been about Indian communities,—except that there is I think, the need to recognize a sort of basic contradiction in the work of the Indian Affairs Branch itself. The Indian Affairs Branch is operating as a separate organization to administer the affairs of people here in Canada who are themselves legally separate. Yet the whole effort of the Indian Affairs Branch appears to be directed towards enabling these legally separate people to become part and parcel of the general Canadian community.

This, we feel, is a situation which is almost calculated to cause schizophrenia in the Branch. Therefore we do, in our brief draw very special attention to the current legal status of our Indians, and we ask that the social, the political and the economic implications of having persons in Canada with a distinctive legal status be examined not only for the current effects, but also for their long term implications.

We ourselves as an Association have been trying to look into this matter as carefully as we could in the time available to us. But the more we have looked into it, the more convinced we have become of the ramifications of this problem, and of the need to entrust the examination of this problem to persons who are not limited by part time service but who can, over a period of time—and we suggest five years—give professional and expert attention to it, so that, on the basis of their report, it may be that there could be some general reconstruction of the Indian Act as it at present stands. But this general reconstruction we, as an association, are not yet prepared to recommend.

The VICE-CHAIRMAN: Did you say that you wanted to go ahead and present another part of the brief, upon the completion of your introductory remarks, Mr. Melling?

Mr. MELLING: Yes, I would like now to present a two page outline.

The VICE-CHAIRMAN: Yes. I wonder if the messenger would distribute these copies around to the members of the committee. I take it these are additions to your primary brief?

Mr. MELLING: No. There is nothing within this document which is not already in our brief. The first half of page one reproduces the objectives of the Indian administration, as we have set them down in our brief. The remainder of page one, and all of page two consists of a summary of the statements or arguments in the brief; and at the extreme left of the page within the margin, we give the paragraph references, so that members of the committee may look them up if they want a fuller statement of our summary.

The VICE-CHAIRMAN: Do you propose to read this?

Mr. MELLING: No, unless you would like it to be read. I propose to table it, and that it be used by the members as a guidepost to this detailed examination of the recommendations in the brief, which you yourself proposed when you opened the meeting.

The VICE-CHAIRMAN: That is fine. That is very good. Then I take it you want to proceed with your recommendations, the first one of which is to be found on page 11 of your main brief.

Senator FERGUSON: I am very grateful for this summary which has been sent to us, because I read the brief and I found it to be quite hard going. So this is a great help, especially when we have a reference to the different paragraphs of the material.

The VICE-CHAIRMAN: Yes, I am sure it will be. Now, Mr. Melling, would you please proceed. I think it would be wise for the committee if we should hear from Mr. Melling on the recommendation on page 11, and then go ahead with our questioning on those recommendations, and to follow through in that way.

Mr. MELLING: I would like to propose, through you, Mr. Chairman, to the committee, that there be some division of labour here in the handling of the discussion and of the detailed recommendations; and that in the first instance Father Renaud handle the recommendations dealing with the cultural aspect of the process, starting, as you have said, on page 11; and thereafter our president, Mrs. Clark, would handle the discussion of the recommendations in the section for political process; and then I will handle—or try to handle—what comes thereafter.

The VICE-CHAIRMAN: That is fine. Now, Father Renaud.

Father RENAUD: Yes. Shall I start by reading the recommendations now?

The VICE-CHAIRMAN: That would be quite in order. The questions will follow any remarks you may make following your reading of the recommendation.

Father RENAUD: Thank you.

The first recommendation on page 11 reads as follows:

That in the interests of preserving and extending the best of Indian culture, and of creating a proper respect among non-Indians for Indian inheritance and achievement, the government should do everything in its power to encourage in all Canadian schools an adequate attention to the way of life, history and other cultural expressions of the Indian people.

Mr. Chairman, may I offer just a word of explanation as to the basis of this recommendation. We can say that it is three-fold. They are originally concentrated on this notion of culture. This is not the place, of course, to lecture on culture; but briefly speaking, culture is the total sum of attitudes, skills and trades which are developed in the growing up of any given community, because one grows up in an individual community instead of in another one. That is how we get our start in life. And as we grow, we pick up what our parents and extended family in the whole community feel are the best things which must be handed down to the growing generation. In some cases we may call it tradition, background, or anything of that nature.

The reason we made a recommendation about culture is that it is overlooked too often by most people. It is assumed, for instance, that Indian culture is out, and that children coming to school are empty of anything that might make them different, to a certain extent; and that all we have to do is to pour into their minds the same thing that we do with our own children, and that this will adapt the Indian to the same level as the non-Indian.

But, of course, this is historically false. It is psychologically wrong. Indian children are growing up in a particular Indian community, and their parents do impart to them what they feel is best in their own condition and background. Indians, as groups, are aware that they have lived in this country for thousands of years, and that they have experimented with any number of factors present in our country. In the geographical context they have adjusted to that context successfully, and that is why they have survived. So as a result they feel that they must give to their children the best that has been handed down to them by their forefathers.

Unless this is recognized in education and in our society, there will be very little successful integration on a large scale, shall we say. Psychologically it is impossible to build on any other foundations but those which have been given to the child while he was growing up. And group-wise the Indians are conscious of this inheritance, even though it is not objective enough in their own minds. They do not have research people to go back and reflect the past history. It is somewhat confused in their minds. They know there is something which they have which makes them psychologically different in operation, and in behaviour, but they do not know exactly what it is.

We feel that, unless we give them, as a group, particularly the school children, a chance to identify their culture, and to know where they come from, what they are, and so on, and including what made them what they are, they will just mark time before proceeding to become something different. I found out personally that this is a custom. I have spoken with Indian high school graduates and you can see in the back of their mind that they are puzzled—"Where do we come from?" They want to know how to identify themselves with their past.

Unless we give them an opportunity to know themselves and build on that foundation, it is impossible to expect them to choose whether or not they wish to remain absolutely and exactly what they are, or change. They have got to know what they are, first. That is why, as I say, the first basis of this recommendation is psychological. The historical consideration is confirmed by what has gone on in other countries and now is going on in the United Nations. The emergence of native governments in various countries is based on what we refer to as nationalism. That is simply the consciousness of a culture and being proud of it.

Finally, I would say that this recommendation also is based on ethnic values of our own. We take pride ourselves in the privilege of self-determination for individuals and groups. We claim it for ourselves and do not want to be overridden by any other power or country, unless we agree to it. The Indians were

here before we came and they are aware of it. They have not yet agreed to give up their culture. They feel there is something good in it and they want to preserve it.

The recommendation has been worded in this way "In the interests of preserving". That is quite clear. To preserve you have to recall what has gone on, interpret and explain it. We want to preserve it. We say it is a duty of the state to preserve it for the good of the Indians, to start with, but also to extend it. This may not strike you immediately very forcibly, but historians, anthropologists and sociologists are aware that any group of people who have lived in a particular geographical location for centuries have consciously or unconsciously developed a wisdom of their own which is more adaptive to their environment, and this is why they have survived. Unless we as newcomers to this country do show, to a certain extent, part of this wisdom, it is doubtful whether we can become Canadians, unless we are to make the same mistakes these people have made over the centuries. This may not strike you very forcibly, but I leave it to you to think over. I hope it will grow on you, as on us. This is why I say you must preserve and extend.

There is the word "respect". This comes from an analysis and study of what goes on when the Indian leaves the reserve, and the type of reception he gets in the various communities and walks of life, whether it be in the world of work or trying to find a place to sleep or take recreation in, and so on. We have used the word "respect" rather than just the word "tolerance" because respect means a certain amount of understanding. Respect does put the other one on a level with you; we recognize what to him at least makes him different from us, or appears to; and that is valid from a human point of view. We are willing to negotiate with him in whatever activity we are engaged in on his level. Unless this is developed in our non-Indian population it is impossible for the Indian to associate with us successfully and enjoy it.

All of us are aware there is a return to the Indian community every so often. It is explained in terms of economic security, true enough; but sometimes that does not apply at all. People return to the Indian community not always because they are short of economic means, but because they are happier there. They feel they are respected there, understood and appreciated for what they are and not for what they are trying to be. This is the reason why we feel that unless this respect is brought about in the mind of the non-Indian population of the country our efforts will fail.

We have recommended this be done in the schools, partly because more and more the Indian population is attending provincial schools, but basically because all of us pick up a good bit of our knowledge about other people in our schooling. This is why our recommendation bears on the school program. The recommendation refers to the history and other cultural expressions of the Indian people. If we look into the history of human beings in Canada realistically we will see that the people referred to as Indians have contributed tremendously to the development of this country; but it is never mentioned in our history books. The ordinary knowledge and notions which non-Indian children pick up usually are just from television programs and western movies.

Basically, this is the intention of the recommendation.

The VICE-CHAIRMAN: Thank you very much, Father Renaud.

Ladies and gentlemen, have you any questions?

Mr. HOWARD: I would very much like to extend congratulations to Father Renaud and his colleagues for developing this particular theme. I am interested in this and I think it is a most important one. However, as an addition to the question of formal education in the fields of culture and history of our Indian people and in an attempt to have non-Indian people have a better understanding and respect of the Indian people, do you think it would be helpful if the

Indian Affairs Branch itself were to expand its public relation activities in this field of bringing to the attention of people through brochures and so on things concerning the history and cultural background of our Indian people.

Father RENAUD: Let us say that in principle I fully agree with you. Whether in practice the Indian Affairs Branch is the best agency to dispense this information, I would not be ready to make a completely affirmative answer. There is no doubt the branch has responsibility as a government agency to inform the people of what it is doing, and what is going on. Personally, and I think my colleagues share this view, I believe there has not been enough of that recently. There are historical explanations about the war effort and so on, but the fact remains there should be more information coming out.

Mr. BALDWIN: Mr. Howard is suggesting that more attention should be paid to education of non-Indians.

Father RENAUD: This is basically where we started out, anyway, ourselves. We first started out under adult education.

Mr. BALDWIN: To bring this down to the area of practical things, I have in mind the children who might go as far as grade 7 or 8 in school, which is largely an Indian school attended by Indians, and who then make the transfer to a junior high school where they are a very small minority with the non-Indians.

The question I would like you to answer is whether or not you want to have some form of special indoctrination of Indian children going to that school or have some special indoctrination for the teachers. The teachers obviously would have to have special qualifications if they are in charge of what you might say is an integrated school, with a small minority of Indians and a large majority of non-Indians. Is that it?

Father RENAUD: Partly. First of all the teacher must be informed, and this is particularly true of the teachers who have Indian students in their classrooms. They, more than others, must know something about, and must include in their program, the Indian background, history, achievements and so on. May I give the example of children of European immigrants. They come to our schools. To be sure, they get the same course of study, but in that course of study there is much about Poland and other countries and there are sources of information available in the encyclopedias and other books if they want to expand this knowledge on their own. The resources are there and they can secure help from the teacher, the librarian and so on. There is nothing of that nature for the Indian children. Our intent is not to restrict it to classrooms where there are Indians, but to make it general. Let us first admit that the Indians are part and parcel of the human history of Canada, and if we claim to be Canadians we must know that part, too, or otherwise we are still immigrants.

Mr. BALDWIN: I can think of an area in my own constituency where this is a problem. Would it be helpful, as a milestone, to have these teachers who are in charge of a mixed program of this kind to have some special indoctrination in this sort of thing?

Father RENAUD: It is the first step, definitely; yes.

Mr. McQUILLAN: It seems to me that in order to achieve your objective you have to work through provincial groups in liaison with the provincial governments. I cannot see the federal government sending out a directive—or the Indian affairs branch—to the effect that all teachers in Canadian public schools must have a background or an education in the cultural history of Indians. So it is something that more concerns provincial organizations, dealing with provincial governments concerning Indian affairs than it does us.

Father RENAUD: Well, I am not so sure. I would like to think it could be done that way. But since it is by the will of parliament, let us say, that the Branch sends these children to non-Indian schools and enters into contracts with school boards and so on. Parliament does accept this responsibility towards the education of Indians. Even though it is agreed in principle and practice that the Indians must follow the same course of study as has been devised by the province, I think that parliament has the authority to insist that what we plead for should be included. Unless something to this effect is passed along to the provincial governments, it will not take place. The provincial governments will say "Well, we welcome them in, but unless somebody tells us there should be something added to our curriculum we will just go on".

Mr. McQUILLAN: I think perhaps your objective is worthy enough, but I do not think you will ever achieve it through the federal authorities.

Father RENAUD: A recommendation, for instance, to the Canadian education association, or just bringing it to their attention, would be enough. It has to be brought, however, to their attention. I know that, because I have attended their conferences. Whenever I raised that question they have said "We never heard about it before."

Mr. SMALL: I understand your suggestion to be that Indian history and culture should be taught in the schools. Perhaps that might be put in some composite form and be sent on to all the provinces to be worked into their existing curriculum. If that could be developed by the Indian affairs branch so that it would be the same all over Canada and not a hodge podge in every province, would that be a solution?

Father RENAUD: Yes; that is the preliminary work which must be done. That is why our second recommendation in the field of culture is along those lines. We have limited our recommendation to the national museum, because to our knowledge it is the only body of the federal government which already has information concerning the Indian and so on. There is no doubt, however, that this work could be entrusted also to the universities.

Mr. SMALL: It is more for unification that it be sent on.

Father RENAUD: Yes.

Senator HORNER: What you mean is that we should give the Indians some place in our past. For instance, we hear so much of Simon Fraser, Thompson and Mackenzie and their great discoveries which could never have been achieved without the help of the faithful Indians. There is no record made of the part the Indians played. Is that what you have in mind?

Father RENAUD: It is exactly along that line. You are aware, senator, that there are persons mentioned as having been with Simon Fraser who are referred to as Indians, but there is not a single person's name; whereas we probably have the name of the dog that Mackenzie had somewhere along the line.

Senator HORNER: This is really a mistake.

Father RENAUD: Yes.

Senator HORNER: Because there were some amazing men who assisted those men in their explorations.

The VICE-CHAIRMAN: Mrs. Clark, I believe you wished to say something?

Mrs. CLARK: To underline what Father Renaud has said, we have worded this recommendation carefully so as not to imply the federal government can do this job, but that it has a function to perform in bringing it to the attention of provincial governments in various ways—by example and persuasion; also in consultation with groups, and by supplying the information that is necessary. If they do not do it, who is going to do it?

We also are saying that this is not just for Indian children, but all Canadian children; that this is part of our heritage, and all Canadian children should have some knowledge of the culture of the Indians, and not the stupid information that comes to us about cowboys and Indians, through the movies.

The VICE-CHAIRMAN: I think, probably, Colonel Jones has some remarks to make at this point. He might state what the policy of the government is in this respect.

Mr. H. M. JONES (*Director of Indian Affairs*): At present, Mr. Chairman, our education division is engaged in this very task in a very modest way, of providing information for our own schools—that is, Indian schools—in the matters of culture and Indian treaties. There has been so much misunderstanding about what is contained in the Indians treaties that it was thought it might be useful if some time, in the public school stage, some instruction and clarification of treaties could be given. We are engaged presently in that to a modest extent—that is, the background and culture of Indians.

I support the principles of this recommendation. As Mr. McQuillan said, it is a matter for the province. We could, as a federal department, possibly either provide the material ourselves, or make representations to the different departments of education to pursue this subject in the non Indian schools. However, we are first trying it in our own schools. I do believe the principles behind this are very sound.

The VICE-CHAIRMAN: Would it not be better, Colonel Jones, if it went from one source to each province, so that it would be on a more constant basis, and not left to each individual province to make a different history. If it was, it would be a hodge podge from one province to another. Do you agree?

Mr. JONES: Yes.

The VICE-CHAIRMAN: I think it should be one set of history, so that each province would have the same story.

Mr. BALDWIN: Would it be beneficial to have a committee, or have you given any thought to the C.B.C. doing documentaries of this nature, instead of some of the monstrosities they perpetrate on us? This may prove to be a better subject.

The VICE-CHAIRMAN: Are there any further questions on this recommendation? If not, I understand Mrs. Clark will deal with the next one.

Mr. MELLING: No. The whole section on the cultural process of Indian advancement will be handled by Father Renaud.

Father RENAUD:

That the government shall strengthen the resources of the National Museum of Canada by making provision for a more extended program of research into Indian culture.

As I mentioned earlier, to our knowledge, the national museum is presently the only structure or organization which has a body already of information and materials, and can lay down a program, and approach treasury board to that effect. This is why we have recommended it. I suppose there are other ways of doing it.

The VICE-CHAIRMAN: Are there any questions?

Mr. HOWARD: Perhaps, Mr. Chairman, something similar to the thoughts which were expressed, so far as education is concerned, could apply here as well. I am not thinking in terms of directing provincial museums to participate in the same sort of thing. In British Columbia, the anthropology department does engage in preparing pamphlets and so on. I was wondering, through consultation between the Indian affairs branch or the national museum with the

various provincial museums, whether this idea could be added at the provincial level, in the same way as the educational one.

Father RENAUD: Incidentally, what led us to put that resolution in is that we have approached the museum people every so often for literature and material. They say: well, we have not got the money to do it; and we are restricted. If you do not get it from the national museum, where are you going to get it? As Mr. Howard mentioned, some of the provincial museums have done tremendous work along those lines, but it is known only in that area and province.

The VICE-CHAIRMAN: Are there any further questions?

Mr. THOMAS: I would like to ask Father Renaud if he would not think it possible that in non-governmental bodies, such as your own association, a better job could be done, than giving it to a government body, provided you had the resources with which to do it. Could you not do a better job, in the way of compiling and organizing the history of Indian culture and achievements than could be done by government bodies?

Father RENAUD: I am afraid I agree with you 100 per cent.

Mr. McQUILLAN: First of all, would you not agree that you must have a broad representation—you must represent all the Indians of Canada?

We have been listening to briefs and representations for some time, and one thing that startles me is that each area and group has its own particular representation, which contradicts each other so many times. I would think it would have to be a very broad group, in an undertaking such as that. I doubt if any organization such as your own would be broad enough.

Father RENAUD: We would like to think we could.

Mr. McQUILLAN: I doubt it.

Father RENAUD: In principle, I am inclined to think it would be broad enough to include all the interests concerned.

Mr. McQUILLAN: Perhaps we could have some well financed foundation to do this. We do not seem to have many of these. I am thinking of the Ford foundation, or something like that. However, we have not managed yet to establish such things here.

Father RENAUD: Not on a national basis.

The VICE-CHAIRMAN: Are there any further questions on this subject? If not, we will proceed to page 13.

Father RENAUD:

That serious attention be given by the Indian affairs branch to devising new or extended ways for facilitating the use by Indian communities of the services of the churches, other voluntary bodies, provincial divisions of adult education and university extension departments in order to nourish the social and intellectual life of Indian communities, bearing in mind that adult knowledge, understanding and concern have their effects on social standards and behaviour, support the better rearing of children, and tend to create a social asset of permanent worths.

Simply, this is asking for a realistic, practical and effective extension of let us say, the contributions of adult education agencies at work in our own communities to the Indian communities.

We are aware that in principle, the branch agrees with this, but we are also inclined to think that the ways of facilitating the use or the extension of these relations are not yet in existence. There is general approval and, once in a while, branch officials will invite the university extension department, like St. Francis Xavier, to help in planning a leadership course, and

so on. However, this is done on such a small scale that it does not really cover very many Indian communities. This is the impression of too many organizations, universities and so on, and, as I say, it is an impression. We do not approve of it, but it is a fact that too many agencies figure that what goes on in the Indian reserve, or in the Indian community, is a federal responsibility, and nobody else's concern. Even though, in principle, the branch disowns this type of relationship, in practice, perhaps it is because they have not enough time to contact these agencies and invite them, approve of them, and so on. But the fact remains, it is not general.

Mr. MELLING: I would like to add a footnote to Father Renaud's remarks.

I believe that the Indian affairs branch has actually begun the business of developing adult educational facilities among our Indians. First of all, there was the Maritime Folks School, which was held in the fall, I believe, of 1958. Although I did not attend it, from all accounts it was a very great success. The branch was a participant in this, along with its fellow branch, the Canadian Citizenship Branch, in cooperation with the provincial department of adult education in Nova Scotia.

Last week, I had the great privilege of attending another such school, which was promoted by the community programs branch of the Ontario department of education, in association with the Indian affairs branch. It was held for the Indian chiefs and councillors within the northern Ontario region of the branch. I can honestly say that this was, perhaps, the finest example of pioneer adult education that I have been privileged to participate in. I was amazed by the eagerness with which the Indian band chiefs and councillors entered into the study. Long after I was asleep at night, I surmise, these Indians were going over their notes and discussing them with one another. And when I awoke in the morning, they were engaged in the same business. Throughout the day they participated in the demonstrations with tremendous zest.

Although the business of the course was to help Indian band councils to conduct their business meetings better, the demonstrations that they put on provided an opportunity for them at the same time to discuss their community affairs. And the conjunction of the two, learning procedures and discussing their problems, was an immensely educational experience for these people. They entered into that experience so fully that it was a most heartening testimony, I think, to the possibilities which do lie ahead in this field of adult education.

The VICE-CHAIRMAN: Would you care to comment, Colonel Jones?

Mr. JONES: Mr. Melling has pretty well answered Father Renaud. This resolution underlies our present Indian affairs policy and practice, and it will be accelerated, because leadership is one of my pet hobbies.

I feel that eventually the solution of the Indian affairs problem—if it does exist is the creation of leaders among the Indian people themselves who will take over the management of their own communities. This has been a theory of ours for some time, and we have got it into actual practice. This program will be accelerated. So I think that Mr. Melling has answered Father Renaud very fully.

Mr. MCQUILLAN: Do you find it any easier to promote your educational program in those provinces where Indians have the right to vote provincially than in other provinces?

Mr. JONES: I want to be very careful about answering that. I want to see if I can answer it in a fair way.

Mr. MCQUILLAN: The point I was getting at was this: because of the power of their own vote, I think that in the provinces where the Indians

do have the vote, the provincial authorities pay more attention to the recommendations of the Indian and his problem, and possibly cooperate better with the Indian affairs branch in the solution of those problems. Perhaps I am wrong.

Mr. JONES: Yes, that is correct. Certain provinces have extended the provincial vote, and we have found a healthy partnership being established between the Indians and the provincial people. I think there are two or three provinces which have gone a long way in recognizing the Indians as citizens of the province.

Yesterday the committee had before them the advisory committee, composed of Indians, of the province of Ontario. They have the vote, and they have an advisory committee. I am inclined to say yes to your question, Mr. McQuillan.

Mr. BALDWIN: I was just going to ask Father Renaud a question which was directed towards the regional aspect of this problem. Have you considered the possibility of communicating with the universities of Saskatchewan and Alberta where each of those universities has just set up a faculty on northern affairs or northern development? I ask that question having in mind that both those provinces reach to the 58th parallel north, and into the territories, where the Indian population is in the majority. Has the department considered directing some attention towards that aspect of development?

Father RENAUD: Yes, in fact the universities which have established adult educational conferences are eager to cooperate. But when Colonel Jones says that Mr. Melling has answered my question, Mr. Melling simply stated an instance of how it does work when it is being done. But what we are asking for is an extension of the way of doing it. We want new and extended ways of doing it.

I am not so sure that one man operating from headquarters in Ottawa, and being responsible for adult education, can accomplish much in the way of promotion, and make contact with the other universities. It is true that social workers have been entrusted with the responsibility of social work. But those social workers are not necessarily adult educators, and some of them are not familiar with all these agencies. They would be familiar with welfare agencies, but not so familiar with agencies of adult education. So in order to implement this recommendation we feel that something concrete such as a plan for adult education must be devised, with the proper staff to maintain liaison with the universities not only in Alberta but also across the country, and with all other agencies.

At the regional level it would mean that there would be one man doing this liaison work, and also planning, in each province, that is, something along the line of what is done by the citizenship branch people, who handle the process of citizenship. This is something new for Canada, and I feel that a realistic approach must be turned on the Indian population.

The VICE-CHAIRMAN: Would you like to comment, Mrs. Clark?

Mrs. CLARK: Yes, thank you. We do recognize that the branch has started to make some experiments and that it is making progress. The reason we put in this recommendation was because we see that more has to be done.

According to the mail that we have received from many groups, there has been discouragement on the part of organizations that want to offer more kinds of assistance to reserves, because the local superintendents in those reserves have said that that was not the time, or that they have not been over responsive to the idea.

We put this in because we feel there is a need to devise some definite plan or program whereby this kind of service can be used to the advantage of the Indian.

Mr. McQUILLAN: I still come back to the fact that I feel that the answer to the Indian problem lies within the provinces themselves. To me if, there has been a failure of our Indian Act, it is because it has been so inflexible; it applies to all areas of Canada. The same thing applies to one area of Canada as it does to all other areas of Canada.

So I think the answer to it is to have more participation by the provinces, so that there is not a broad, not a firm national policy, but a more flexible policy which applies, and which can be applied to people living in each province. There is no real relationship between Indians living on the west coast of British Columbia, or on Vancouver island, and those of the Six Nations reserve. That seems to me to be in all these presentations that we get. They still say that the Indian Act is something which will cover every Indian in Canada. Yet every policy will not cover every Indian in Canada.

Mr. THOMAS: May I ask Colonel Jones if he has noticed any trend of late years in the provinces to take more interest in Indians?

Mr. JONES: Yes. The province of Ontario comes to my mind. They have extended the provincial franchise to Indians. Subject to local option on reserves, they have given full liquor privileges in Ontario. They have legislation under which Indian bands can be regarded as municipalities for general welfare assistance.

British Columbia has made, I think, quite good strides in the recognition of their Indians. Manitoba recently appointed a commission to study the Indians and the Metis, and it turned in a very excellent report. They seem to be going all out towards helping to solve problems. I think generally in all provinces there is a healthy indication of provincial interest.

Mr. MELLING: May I comment on Mr. McQuillan's remarks. I think he is undoubtedly right in saying that the provinces are the areas whose authorities and non-governmental bodies must come more and more to take an interest in the Indian population.

But in relation to the recommendation we are discussing here which concerns new or extended ways of developing adult educational facilities, I think it would be right to stress again that the Indian affairs branch has great responsibility here, as I think was implied by Colonel Jones himself.

In relation to the Maritime folk school which I mentioned earlier, and in relation to the Quetico training school which I attended last week, it was the fact that there had been an initiative by the branch which made it possible for other than federal authorities to provide a service to our Indians.

Now, it is this kind of initiative and enterprise and support that we think can be developed more and more by the branch, and, as the experiment proceeds, new ways to help the Indian population will uncover themselves.

Mr. THOMAS: That raises the point here, Mr. Chairman, and I think that replacement was meant for me. We have other committees sitting, so would it be possible for us to break off now? Or is it essential that we continue?

The VICE-CHAIRMAN: That is up to the committee. We have a full day today, and I suggest we try to keep on if we can, because we have another meeting called for this afternoon at 3:30.

Unfortunately I shall have to be away. So before we adjourn I must ask this committee to appoint another vice-chairman for this afternoon.

I sincerely suggest that if we could continue at least until 11:30 it would be a very great help to the committee and to the delegates. But it is up to the committee, of course. I am in your hands.

Senator MACDONALD: I find myself in a rather difficult position. I have to hop a plane at noontime, and I was hoping we might break off at 11:00 o'clock to give me a chance to tidy up. I am sorry, because this has been a very interesting committee.

The VICE-CHAIRMAN: I hold you responsible today, Senator, to find another senator to take your place before you leave.

Senator MACDONALD: Could the messenger not find Senator Horner?

The VICE-CHAIRMAN: He is out trying to find somebody else at the present time.

Mr. THOMAS: We just made an arrangement for a replacement, to see how it worked.

The VICE-CHAIRMAN: Yes. Senator Inman was called out. It is most difficult. I appreciate the position that members are in.

Senator FERGUSON: There are so many other committees meeting today.

The VICE-CHAIRMAN: This particular committee has a responsibility to the delegates who are here, and I think it should supercede some of the other committees who do not have delegates from outside Ottawa. Therefore I sincerely suggest that we try to maintain a quorum here until at least 11:30, to give the delegates a chance to present their case to us.

Mr. MACRAE: I think the committee had better take into account in arranging its future meetings that there are a great many other committee meetings of this House of Commons. I call attention to the schedule last week when there were six meetings in three days. It is not fair to the members. We are all deeply interested, and that is why we are here, and I realize that you are not the chairman. The chairman is not here himself. But I do think you had better give some thought to arranging a better schedule for future committees.

The VICE-CHAIRMAN: The senate does not meet on Mondays and Fridays, so it is very difficult to get representatives from the senate here on those two days. Last week a group was here from Alberta and we could not ask them to remain over the weekend, in all sincerity, at their expense, because we only pay for the first two days of their expenses. This is a very important committee, although there are others which are just as important. Nevertheless, we do have a duty.

Mr. THOMAS: I have been looking ahead. Might we make some forecasts as to the length of time which will be required to go through the balance of the brief and to give some reasonable consideration to it? We are now on page 13, and there are three recommendations on page 14; and on page 16 there is the recommendation about the federal vote being granted to Indians. Well, that has already been done. So possibly we could have some sort of forecast as to what is left in the brief. Oh, I see it is full of recommendations all the way through.

The VICE-CHAIRMAN: Ladies and gentlemen, I am sure the delegates here will recognize the fact that we have heard other delegations, and that some of the matters they have brought before us have already been discussed with other delegations. Therefore there might not need to be so many questions asked. But the amount of time that will be needed will entirely depend on the number of questions asked by the committee members.

Perhaps where the matter has already been discussed with previous delegations we would not need to have so many questions. I am sure the delegation will understand that we have covered many of their recommendations at previous meetings. But our present discussion is taking up time, and I suggest that if we could continue now we would get over quite a bit of this, if that is satisfactory to the committee.

Are there any further questions on page 13? If not, then page 14?

Father RENAUD: The recommendation at the top of page 14 reads as follows:

That the Indian affairs branch widen the scale of its higher vocational training program for young Indians, and in any event intensify its program of vocational training in schools for those unlikely to proceed to higher training.

Mr. McQUILLAN: I think we all pretty well accepted the principle of this recommendation. We have discussed it already. I know that Father Renaud would like to speak to it, but we have already discussed that principle a number of times, and we have accepted it.

The VICE-CHAIRMAN: That is quite true.

Father RENAUD: Particularly the second part.

The VICE-CHAIRMAN: About vocational training?

Father RENAUD: Yes.

The VICE-CHAIRMAN: Yes, we had a very good discussion of that yesterday.

Mr. McQUILLAN: That is one phase of your resolution that we particularly agree with—at least I do.

Father RENAUD: And the next paragraph of the recommendation reads as follows:

That the Indian affairs branch establish a vigorous program of recruiting and training Indian leaders for positions in the service and administration of Indian affairs and that positive steps be taken to promote and publicize this program among band councils, churches, schools and other appropriate bodies.

I know that the branch can quote now a specific number of officials, or at least clerks who are already within the branch; but we are not satisfied that that is enough.

The VICE-CHAIRMAN: I think the trend probably is definitely in that direction, and I think that Colonel Jones would agree with me, that they are doing everything they can to try to build that up, both in the branch and outside, where there are jobs available.

Mr. JONES: The latest figures I have show that there are 116 teachers of Indian status and 106 Indians who are on the administrative staff. We support that principle. The more Indians we can get on the staff, the better we like it.

Father RENAUD: How many are there in senior positions?

Mr. JONES: Oh, an Indian superintendent was appointed in Saskatchewan the other day. When they are qualified, they should go up fast.

Father RENAUD: We just want to encourage it.

The VICE-CHAIRMAN: In the case of the Six Nations there is a school professor who is Indian, and all the teachers are Indian, and we are very proud of it.

Father RENAUD: I read the next recommendation as follows:

That the Department of Citizenship and Immigration strengthen its information services by providing the public with more information about the Indian people, and about the policies and programs of the government in the administration of Indian affairs.

This is to extend beyond the school age, to the population the kind of information that we recommend for the school population.

The VICE-CHAIRMAN: Are there any questions?

Mr. HENDERSON: I would like to say something about this. There is always adverse criticism in the papers. Every time you read about an Indian he has either tried to kill his wife, or has been drunk and disorderly. You never hear anything good about Indians. I think that is all wrong.

The VICE-CHAIRMAN: Yes.

Mr. THOMAS: As far as the press in my immediate area is concerned, I do not agree with the remarks suggested by Mr. Henderson. The local papers in my area have done a good job, I think, in publicising anything which is Indian, or has to do with Indian accomplishment, or that is of credit to the Indians. I am referring to the London area.

Mr. HENDERSON: Did you ever hear of Williams lake?

Mr. THOMAS: Yes.

Mr. HENDERSON: You heard that the police were taking Indians out and dumping them in the fair grounds there. That was publicized all over western Canada, and one Indian woman froze to death. I will bet you that half the people in western Canada did not know where Williams lake was situated. But they know now. They know all about it.

The VICE-CHAIRMAN: I think that might be true for some out of the way places; but I do not think it is true in southern Ontario. I know it is not true there, and I hope it is not true any place else. But you stated a fact.

Mr. BALDWIN: I showed some members of the committee an item which I clipped from the local paper in my constituency up in the Peace River. It headlined the fact that a treaty Indian had drowned while trying save his wife from drowning. Both had been crossing on a raft, and the Indian jumped overboard to help his wife. She was rescued, while he was drowned.

I think it was a very well written and very descriptive item of heroism on the part of an Indian.

The VICE-CHAIRMAN: I am sure there are many such cases.

Mr. HENDERSON: That is what I mean. When they do something good, I would like to see it publicized.

Burns lake is another illustration. Did you ever hear of Burns lake. What happened there? They had to close the beer parlors, and everything, on account of the Indians. They were closed for several days. They had the police there, and it got a lot of coverage. The average person did not know where Burns lake was.

Mr. MELLING: Aside from particular vices of the press here or there in Canada, we do feel, as an Association, that the department should help to correct the unfortunate impressions that may arise by strengthening its own information services, as suggested in this recommendation.

The department is doing something: It provides a quantity of literature—for example, to my own organization; it circulates its Indian News among the band councils; but we feel that very much more would be helpful, if it can be contrived.

An association like ours—which has very many bodies associated with it, most of whom are active in the field of informal adult education—provides an excellent outlet for this kind of reliable information. Last year, for instance, when we were not yet born as an Association, we were servicing no fewer than 52 adult education study groups on Indian affairs with, altogether, over 1,400 members. That was just a beginning of our own work. With the help of the branch and with the help of other organizations, we were able to feed those groups with informational material. We would like to see a great development of this work, and we think it would, in fact, assist the whole process of educating non-Indians about Indians and their affairs.

The VICE-CHAIRMAN: This is probably where your local associations could help considerably, if they would.

Mrs. CLARK: That is right.

The VICE-CHAIRMAN: Are there any further questions on 14? The next is page 16.

Mrs. CLARK: I call attention to the fact that the recommendation on page 16 and the recommendation on page 17 are closely linked together, though I think we might discuss them separately.

The VICE-CHAIRMAN: I think the first one has been taken care of—that the federal vote be granted?

Mrs. CLARK: Yes. I am skipping that over—that the federal vote be granted to all Indians. That is now an accomplishment, and I will leave that to one side.

Going on from there, the recommendation at the bottom of page 16 and the one on page 17, they may be considered together.

The recommendation at the bottom of page 16 stresses the importance of the local superintendent and the job that he can and should do. It does not have very much meaning. Mr. Chairman, unless considered in the context of what Mr. Melling was saying—that this development, shall, take place in the Indian communities on the reserves.

I will read the recommendation first:

That the job of the local superintendent be defined in new terms; that, so far as possible, he should be relieved of routine administrative matters and given the opportunity and training to serve as facilitator and counsellor of the Indians; that he might be given a new title; and that he should be empowered and encouraged to establish all those connections with local bodies of Indians and with other local bodies, public and private, that may help in the development of local Indian communities.

We stress here, in our recommendation, that the local superintendent is the most important person to the Indians, as it is he whom they meet, and it is he who gives character to the type of work that is being done. We know the Indian Affairs Branch would agree with this recommendation 100 per cent. We are stressing it because we think much more must be done to assist these local superintendents to do a greater community job than they have been doing.

I think there was a letter or a brief before you last week in which one band leader said he had not seen the local superintendent in a matter of some years. How can he give assistance to a band if he is so bound by his administrative duties that he cannot possibly go and meet with the council and give them help? We are not prepared to say what the duties of the superintendent should be, and we know there are difficulties. We are very sympathetic about the difficulties, but we do stress, extremely, the importance of local development.

Mr. JONES: That, again, is just in keeping with our present practice. I mentioned the other day the introduction of the specialist in the field, to give technical guidance to superintendents. We have increased our field staff tremendously—more assistants, more clerks, more stenographers. We believe you are taking away the value of a useful man if he is so bogged down with details—which are forced upon us, in so many instances, by modern social welfare legislation. You would be amazed at the administrative detail of family allowances and old age pensions. There are all very good but it takes staff to provide services.

So, that is just in line with our present policy of relieving the superintendent, so that he can be more of a leader and guide, rather than the man to whom everyone runs whenever something goes wrong.

This leads into the next recommendation, which is supported by us, that the more Indian councils assume responsibility for their own affairs the better it will be. That is part of our present plan.

Mrs. CLARK: We want to stress the word "training" in these jobs". That is in the third line. The kind of job we could envisage for a local superintendent is not one which a person can just tumble into without the proper preparation and training for that job.

Senator FERGUSON: Mr. Chairman, how are the superintendents appointed?

Mrs. CLARK: They are appointed through the civil service.

Senator FERGUSON: Through competitions?

Mr. JONES: That is right.

Senator FERGUSON: Is the competition restricted to males?

Mr. JONES: Well,—

Senator FERGUSON: If you do not want to answer that, could I ask then if there are any women who have ever been appointed as superintendents?

Mr. JONES: No.

Senator FERGUSON: Or Indian agents?

Mr. JONES: No.

Senator FERGUSON: They are not?

Mr. JONES: No, but I was trying to think, because the civil service commission writes the terms of reference. I do not think it is spelled out "male preference".

Up to now it has been such a demanding task physically—with the geographical isolation, the methods of transport and long hours—that we have never felt it particularly attractive to the gentler sex.

Senator FERGUSON: I cannot subscribe to that view. I think women are physically capable of doing the job just as well as men; and I think a woman might have more understanding and sympathy. I do not know why she should not be considered.

Mr. BALDWIN: I notice the Colonel carefully avoided using the word "qualifications".

Mr. LEDUC: When the civil service advertises the position of agent, are not certain qualifications required by the civil service commission? I know that in my area, Maniwaki, they have selected a different agent—to my knowledge there have been four or five acting as agent in the past 25 years. To my knowledge, I can say the civil service commission appointed, in every case, the best man that was available. It was not a matter of politics, but they had some qualification they were asking for.

On the reserve at Maniwaki there is a lot of farming and lumbering operations; and they wanted a man as an agent who was almost a technical expert in agriculture and in reforestation. In that case it would be very difficult to find a female—though I am not against a female. I say, with the qualifications that are asked of an agent, there are not very many ladies that could qualify.

Senator FERGUSON: Well, I will have to see that to be convinced.

Mr. MELLING: I would, once again, like to underline this word "training" in the recommendation. An association like ours gets a considerable number of complaints submitted to it from Indian bands. These we do try to handle in a thoroughly responsible way, by referring criticisms directly, either to the

Branch at Ottawa or to the regional office of the Branch within the province.

Sometimes, however, we have had occasion to look into these complaints at first hand. If the few cases we have examined are any guide to the very much larger number of cases that could be examined, it would seem as though so many of the difficulties arise through the failure of the local superintendent to communicate with the local Indians. It is as though you get a first-rate man, with warm, human sympathy and, true devotion to the interests of the local Indian population who, just because he has had no help in how to deal with the Indian, puts his foot in it and creates trouble for himself, against his own best intentions.

Therefore, we do think a great deal of dissatisfaction at the local level could be removed if these persons could have the kind of training that would help them to express their real selves better to the local population and to get on proper terms with them easily. This really does imply some sustained effort by the Branch at training their local staffs for this extremely difficult job of being helpers to local communities.

The VICE-CHAIRMAN: As I understand it, now the department does carry on regional training schools. What have you to say, Colonel Jones?

Mr. JONES: We have a training division set up to implement the things Mr. Melling has suggested, as well as regional and national conferences, where we deal with the very things that are mentioned—closer understanding of the problem, communications, all in the interests of better administration.

The VICE-CHAIRMAN: Ladies and gentlemen, it is past 11.30. Is it the committee's wish to adjourn now and come back at 3.30 this afternoon?

I would like to have a motion for adjournment, but before that I will have to ask you to elect another chairman for this afternoon. I am going to be unavoidably absent this afternoon, as I have to go to Sudbury on behalf of the minister. Incidentally, the minister apologized for having to leave. She wished very much to stay, but had a call and had to leave.

As I have to go away this afternoon the committee should appoint another chairman to act, if Mr. Dorion is not back—and I do not expect him back.

If I may make a suggestion, perhaps Mr. McQuillan or Mr. Baldwin would act—almost anyone the committee wishes to appoint as chairman this afternoon.

Mr. McQUILLAN: If it is suggestions we are making, I would suggest Mr. Jorgenson.

The VICE-CHAIRMAN: Fine. Is that favourable?

Agreed.

The VICE-CHAIRMAN: Mr. Jorgenson, would you act as chairman this afternoon, at 3.30?

Mr. JORGENSEN: Yes.

The VICE-CHAIRMAN: Then a motion for adjournment would be in order.

AFTERNOON SESSION

THURSDAY, May 19, 1960.

The ACTING JOINT CHAIRMAN (*Mr. Jorgenson*): Members of the committee, we have a quorum. I wonder if I might make a suggestion that in order to proceed with the evidence that we direct our questions as much as possible to the witnesses who are here. I want to remind you that Mr. Jones and the officials of his department will be here at any time to answer questions and, although I do not want to limit the questioning in any way, I would like to see us get through this brief this afternoon while the witnesses are here.

We have some eleven pages to go through yet, and I think we can do this this afternoon if we proceed with the questioning in an orderly manner. We are on page 17. Are there any comments on this page?

Mrs. CLARK: May I make a comment, Mr. Chairman?

The ACTING JOINT CHAIRMAN: Yes, Mrs. Clark.

Mrs. CLARK: I am assuming the members have read this particular recommendation on page 17. We are concerned here in this recommendation with the objectives that are set for the local superintendents in their work, and we are particularly concerned with the manner in which the Indian Affairs branch is attempting to assist and help the local superintendents achieve those objectives, the objectives being to help the Indians to become more and more responsible for the affairs of their local communities.

When we examine the record of the past ten years, recorded on page 16, we can see that there has not been a great deal of attention paid to assisting local communities in this matter, when we see that only 22 out of approximately 600—or is it 575?—band councils have achieved what is called advanced status in terms of the Indian Act.

That advanced status is fairly limited—only 22 in the ten years have achieved that; and more than that, only two, I think, possibly three, now have reached the point where they are able to manage their own funds. That, we believe, is not a very stimulating record, and therefore we would like to see the local superintendents encouraged, helped and assisted to work with the local band councils to achieve a greater degree of responsibility.

We mention next the kind of aid. We say:

—the development of Indian communities under band council auspices, securing that adequate provision is made—administratively, and technically—for an effective program of community development.

By “administratively” we mean that the superintendent will be relieved in so far as possible of these routine matters that are the plague of many, many administrators, so that he can do this bigger job. By “technically” we mean that an assistant should be made available to him to enable him to do the job.

We submit that at present perhaps even the best local superintendent there is is not, alone, able to do this job of community development. He needs help, and fortunately help is available, because after, say, ten years of the United Nations’ technical assistance program this job of assisting underdeveloped peoples is one that has been testing and trying the best minds in the world and they have learned something over ten years. There is knowledge and there is experience available, and we would like to see the Indian Affairs branch make this experience available to the local superintendents and help them in their jobs.

The ACTING JOINT CHAIRMAN: Are there any questions on page 17?

Mr. SMALL: Could we hear from Mr. Jones on this, how far that program has been developed? I understood when we had other delegations up here the development of other people on their reserves was their goal.

The ACTING JOINT CHAIRMAN: As I said, I do not want to restrict the committee in any way. Perhaps Mr. Jones could offer a brief comment, but I want to remind you again that as much as possible we want to go ahead with the brief.

Mr. SMALL: It will save a lot of discussion if we can hear from him now.

The ACTING JOINT CHAIRMAN: I want to allow a degree of latitude here.

Mr. JONES: Once again, Mr. Chairman, we are in complete agreement. We wish there were many more than the 22 Indian bands that have evidenced willingness to take on the responsibility of running their own affairs. If we are patient I think, with the incentive that has been shown this year by

some of them, there will be an increasing number of Indian bands on their own, who will wish to take on more responsibility, and of course that is departmental policy.

This matter of community development is something we have given a lot of thought to this past year, and additional aid is being sought in order to strengthen the regional staffs to be able to help the Indian superintendents in this matter of community planning. Whether the Indians leave the reserves or stay on the reserves we feel that Indian reserves must be healthy communities whether there is much of an economic potential there or not. That is one of the things we will be paying more attention to from now on—sound community development.

The ACTING JOINT CHAIRMAN: Any further questions?

Dr. G. C. MONTURE, O.B.E. (*Chairman of Finance, Indian-Eskimo Association of Canada*): May I ask what the criteria are that are used in determining when a band council is competent to assume its own affairs, if that is a fair question?

Mr. JONES: Well, the request comes from the council, Mr. Chairman.

Senator HORNER: It comes from the council?

Mr. JONES: Yes. It is up to the minister to recommend through order in council, to place them under certain sections of the act so they run their own affairs. We welcome any suggestions from councils, if they want to undertake this. The more the better.

The ACTING JOINT CHAIRMAN: Any further questions?

Mr. MELLING: Would it be possible to ask through you, Mr. Chairman, whether there have been many more applications or recommendations by band councils for advanced status than the department have been able to agree to?

Mr. JONES: Do you mean has there been any rejection of any applications?

Mr. MELLING: Yes, have there been many?

Mr. JONES: Not that I am aware of. We have thrown out hints in several directions, but the bands intimated to us that they were quite satisfied with the way things were and did not want to take on that extra responsibility. But I still think you will see a heartening increase in the number of bands, particularly now that the federal vote is theirs, in wanting to run their own affairs.

Mr. SMALL: What I was particularly interested in was the problem of the Indian lad or the Indian girl of those particular bands. Has there been anything done to help the Indian agent or the supervisor who is on the job? I think that was the question they were after. What is the progress in that, or is there any, I mean, taking out of the Indians themselves people to help inspectors or supervisors?

Mr. JONES: Well, the individual can come in through hiring by the Civil Service Commission; and, all things being equal, Indians get the preference. We welcome more and more Indians to the staff.

Then, through our leadership training programs—and I want to thank Mr. Melling for paying tribute to the branch activity at the Quetico leadership course which has been conducted in northern Ontario, we hope to be able to do more of these in other parts of the country. We feel that this type of leadership training will stimulate volunteer participation in the reserve activities in addition to the civil service appointments.

Mr. SMALL: In other words, we are hoping the initiative will come from the Indians themselves instead of from the supervisor?

Mr. JONES: That is correct.

Mrs. CLARK: Mr. Chairman, I want to emphasize the fact that we believe the Indian Affairs Branch should give more push to this whole idea than they are giving. We have come across many bands that did not even know that this was possible. They did not know that they could ask to be recognized as having advanced status.

Mr. SMALL: We realize that. We have seen that ourselves with the different deputations that have been here. There is a large difference and we can see for ourselves that that is a possibility.

Senator HORNER: I know I can understand very well that the Indians certainly do have a grievance. I remember the Indians on Thunder Child reserve, west of Battle Creek, which was sold off in the twenties. Long before I was appointed to the Senate, I bought some of those lands. Others did at the same time and they paid no interest at all in some cases; and then others would buy in their wife's name at a lesser price than the original price, and it was perfectly good land. I know different people advised me. I said: no, I will pay interest and pay the price. It was not handled by the department of that day in an efficient manner, as far as the Indians were concerned. The local band could have, very well knowing the value of the land and knowing what it is worth, perhaps secured more land than the department did in those days.

The ACTING JOINT CHAIRMAN: Are there any questions that members of the committee would want to ask the witnesses on this particular item before we pass on to the next one?

Senator FERGUSON: Mr. Chairman, could the witnesses give us a little more of what they would like the job of the local superintendent to be? It says they would like to have it defined in new terms. Just what would they consider should be the job of the local superintendent?

Mrs. CLARK: Will you answer that, Mr. Melling?

Mr. MELLING: Yes, I will make an attempt, Mr. Chairman. As Mrs. Clark has said, we would propose that the local superintendents be relieved of a large part of the administrative chores which at present are burdening them, with the consequence either that they are unable to visit some of their more distant reserves or, as is more usual, that they visit them for only brief periods and really fail to get to know the members very well.

We think that if they can be relieved of these chores, they will be able to begin to think about the real needs, the real developmental needs, of the Indian communities occupying reserves and either will be able to produce the right kinds of questions which will stimulate the Indians themselves to offer new ideas, or will offer suggestions of their own, all with a view to enabling the Indians through their own proper agency, the band council or any dependent committees of the band council, to begin to think in general community terms.

We think that perhaps the most important first job will be to get the Indians to identify their needs because, strange though it may appear to some members of the committee, recognition of their own needs is something that comes slowly to many Indians. They will often claim at first meeting that they have no needs, even though in fact you can see that there are all kinds of ways in which they could come to feel needs if their attention were directed to the community situation. Once you have got Indians really to feel the needs of their community, we believe, rightly or wrongly, that they will develop the forces of will that can enable them to begin the business of meeting their needs, ordering them according to priorities in the first instance, then discovering what resources in fact are necessary to enable them to satisfy these needs, and then calling in so much outside aid as will be required to enable them to meet those needs adequately—though on the basis of their own efforts primarily.

Senator FERGUSON: For superintendents to be able to carry this on, they would have to have considerable training, something like training in welfare, I should think. You would not just have a man who would do a job. I had an application form for a superintendent down in my province and, even if the man had all the qualifications here, he could not do the sort of things you are saying he should do. I think he should do it, but those are not the people who are answering the applications.

Mr. MELLING: Well, that is the reason, Mr. Chairman, why earlier today we were underlining the need for special training—not for the purpose of what you might call mechanical efficiency in administration by superintendents, but for the development of ability to go into these communities, look at them with a kind of sympathetic and constructive eye and then begin the whole business of talking things over with the people in the communities.

Senator FERGUSON: Well, if the superintendents are going to do the sort of things you suggest, the qualifications will have to be changed for the people who are going to be doing these jobs.

Mrs. CLARK: We ask in our recommendation on page 16, that the job be defined in new terms and I said a minute ago that I do not believe any local superintendent, no matter how good he is, could do this job without aid. We have an opportunity, through all the resources now available, of bringing in expert help to assist him.

The JOINT CHAIRMAN (*Senator Gladstone*): If I might make a comment on that for the benefit of those who have taken very great pains and probably did send in resolutions, outside organizations like that, and also from the time that the change was made from Indian agents to be renamed superintendents, our Indian agents lived on the reservations and when they became superintendents they left the reservations and went into the towns and lived there. The touch that we used to have with our Indian agents was lost by their removal, from the Indian agency on the reservation that they were looking after, to the town.

The superintendents are overloaded today with clerical work and they have lost the touch. I will give you an experience on my own reserve. Until my appointment, the superintendent was from British Columbia. He had been there two years before my appointment. He had never been in more than two Indian homes. That is of my own knowledge. Now, what has happened since, I do not know.

Mr. SMALL: How many Indian homes were there all told on the reservation?

The JOINT CHAIRMAN (*Senator Gladstone*): Well, there must be—it is a big reservation; it is 75 miles by 25 miles wide. The touch that the Indian agents had with the people was broken and the Indians, of course, felt: why is our father not visiting us? We called the Indian agents our father.

Now, they seem to be our uncles.

Mr. THOMAS: I wonder if the delegation would care to comment on the new economic development that has been set up within the Indian affairs branch to deal with this very problem which they are mentioning?

Mr. FLEMING: I think, Mr. Chairman, we would not want to offer any comment on the new economic development division of the branch. In any case, I think we would prefer to deal with the economic aspects of community development at a later stage in this brief, if that is all right with the members of the committee. At the moment we are dealing with the administrative aspects of the community situation.

The ACTING JOINT CHAIRMAN: Are there any further questions on page 17? Page 18?

Father RENAUD: Mr. Chairman, I wanted to add a little thought to what has been said. It is a fact that the administration that has developed over the

last ten years is tremendous. It is quite correct we have more clerks, and so on; but part of our thought is that if there was more assigned or allotted to the Indians there would be less administration. If the Indians looked after their own affairs there normally should be less administration on the part of the Branch.

Mr. SMALL: They could be trained to do the job, for which you would have to give them some remuneration to do.

Father RENAUD: Not necessarily, if it is their own affairs: A good deal of the work is individual cases—supervising activities of the Indians.

Mr. SMALL: Give them a chance to work up to an administrative post.

Father RENAUD: Yes.

The ACTING JOINT CHAIRMAN: We are on page 18 now.

Mrs. CLARK: Mr. Chairman, this recommendation on page 18:

That the Indian Affairs Branch intensify its efforts to decentralize its work making the necessary provisions to strengthen the regional offices and develop them into key centres for planning and administration.

I am going to anticipate what Mr. Jones will probably say—

Mr. JONES: Do not be too sure.

Mrs. CLARK: —by saying that this is branch policy now. What we seek, though, is a greater intensified effort in this regard, because we believe that, by a further decentralization of administration, that will be one way of meeting those difficulties that we were brought up by Mr. Moses yesterday and which have been mentioned today in dealing with the reserves where there are varying levels of development. It is only by having the regional units of administration closer to the needs of the people that we can get the kind of development we want.

This decentralization involves, as we see it, closer work with provincial groups and with provincial governments. It involves, as we believe, some far-reaching changes in the organization of regional staff and, last but not least, it involves certain rearrangements in the financial administration. We know that there are difficulties in that regard, but we feel very strongly about this point, that a much greater effort should be made to strengthen the regional offices and to give the regional supervisors more authority and more responsibility. We would like to have any questions on that.

The ACTING JOINT CHAIRMAN: Are there any questions on this page 18?

Mr. MCQUILLAN: I think we have gone over this subject many times and the policy of the department has been made very clear to us. Because we are so short of time I think we should go on to some other recommendation.

The ACTING JOINT CHAIRMAN: Is it the wish of the committee to proceed on to the next page? If there are no questions we will go on to page 19.

Mrs. CLARK: The first recommendation on page 19:

That, rather than creating special services of its own when this can be avoided, the Indian affairs branch should continue in its policy of using existing services of other bodies at all levels of administration, and notably those of provincial governments.

We would like to have this recommendation regarded first in terms of principle, that it applies to all levels of administration, and that it can apply also to voluntary bodies as well as to governmental bodies. We are thinking particularly of national organizations that are provincially organized, such as the home and school, the women's institutes that can provide services to regional communities if they are called on to give that help.

We recognize that the home makers clubs have been organized and have done a wonderful job so far, but in my experience they are not generally linked with the women's institutes. Some are and some are not. We think of, for example, adult education divisions of provincial departments of education; the Indian affairs branch could, by working cooperatively with the provincial departments of education, call on those services of adult education that are already existing and could use them, as in the community program project last week, as Mr. Melling mentioned. It could be done to a much greater extent than so far. This is a more economical development and a more effective one. We think also of the Canadian citizenship branch, which brings us to the federal level, which has certain skills and which has worked a great deal with voluntary organizations. Here is a body of experienced people who have worked with voluntary organizations that could be called upon to assist in this work with Indians, but the initiative must come from the Indian affairs branch.

Mr. THOMAS: Might I ask a question, Mr. Chairman? Would Mrs. Clark tell us why she thinks the initiative should come from the Indian affairs branch? I ask the question for this reason: in my very limited experience since I was elected to this position in the last three years it seems to me that as far as our own situation is concerned in Middlesex West that the administration is only too anxious to take advantage of any possible help that can be offered and that the appeal should be directed to the women's institutes and to these other organizations that might be willing or anxious to help, rather than to the department.

It is the lack of offers, the lack of initiative of these other bodies showing a willingness to help and getting in there, getting their coats off and getting to work. It is not the department. It is lack of initiative on the part of the other organizations.

Now, possibly Colonel Jones would have comments on that, I do not know. That is my experience and that is why I ask Mrs. Clark why should the initiative rest on the department rather than on those people who are interested in the Indians and on the Indians themselves and bodies that are set up for the purpose of promoting the interests of Indians? Why not place more initiative on them and less on the department?

The ACTING JOINT CHAIRMAN: Do you wish to reply?

Mrs. CLARK: Very much, Mr. Chairman. Your experience is an extremely happy one if that situation prevails, but that is not the experience that has come to us from across the country. We have had a very definite impression that many organizations want to help, but over the years a wall has grown up around Indian reservations and there is a prevailing view on the part of the Canadian public that Indian affairs are the responsibility of the government; keep out. That is something we have been trying to make a matter of concern by encouraging people to take more interest and showing them that there is a job to be done. As I said this morning, there are a number of local agents that do not welcome that kind of help.

Mr. THOMAS: Might I comment there just a bit further? Possibly if the agencies that are anxious and willing to help would find out how help could be given instead of creating problems for the department by offering their help, possibly in an unwise way, would it not be possible for these organizations to find out themselves how efficient and effective help can be given? Again I am only speaking from a very limited knowledge, but that is my experience.

Mr. MELLING: I think, Mr. Chairman, we shall have another opportunity fairly soon of looking into this matter of the place of non-governmental agencies in the general effort to be of help to Indians where they may want it,

and to assist the whole process of developing social cohesion in Canada. But there is one aspect of the recommendation we are discussing on which I would like to offer special comment now, namely that aspect which is concerned with federal-provincial arrangements or agreements.

We have said in the text of our brief that we believe the initiative for the working out of such federal-provincial agreements will need to come from the federal authority. We say also we believe increasing numbers of provincial governments will themselves recognize, as the days go by, the claim upon them to cooperate with federal authority in devising more satisfactory means of serving the well-being of the Indian people.

I think that, as an Association, we would welcome very much the statement made by Mrs. Fairclough in the house on April 8 that the federal authorities are prepared to negotiate agreements with the governments of the various provinces for the extension of normal provincial welfare services to persons residing on Indian reserves. I think this will be regarded by my Association as a step in the right direction. But it is important to notice that, in this particular section of the brief that we are discussing, we are even asking for more than that. We are asking that better public services be given, and perhaps more economically given, to all the Indians of each province, whether they are living on or off the reserves. We feel that, if there can be a development of close consultation and cooperation between the federal authority and the provincial authorities for the working out of these general agreements covering the division of functions between these authorities, it will work very much towards developing the cohesion of our Indian population with the general Canadian population, will give a better service to the Indians and may well result in cheaper service.

Father RENAUD: Mr. Chairman, I would like to illustrate what I mean with a very specific type of activity, agriculture.

Let us take Manitoba, for instance. The branch has farm instructors located at various places on the prairies. In my estimation, anyway the salaries paid to these gentlemen is not high enough, to hire somebody really competent. Last winter there was a conference in Winnipeg, under the auspices of the greater Winnipeg welfare council, which was arranged in workshops, so that Indians interested in a particular type of activity could meet specialists in the field from the provincial government and the federation of agriculture, and so on.

The Indians described what was going on, and some of the specialists were appalled by the type of guidance or lack of guidance which had been given by the farm inspectors, the type of program they had been encouraged to start. They were surprised to hear that in many places there had never been any soil evaluation, and so on and so forth. I said, "Do you not go and visit these reserves yourself, and does not your ag. rep."—as they call him—"go around?" The reply was, "No, it is not our territory." This is the type of service that the provincial governments can offer, of a better quality and probably at a cheaper price. Then the ag. reps. will not go by but go around. I do not know how many other services are organized that way.

Mr. SMALL: You said about the home and school club. Is there no home and school club? The way I understand the set-up of the home and school clubs, each school has its home and school club. Is there no club in the Indian set-up that can tie in with the provincial organization of home-schools?

Father RENAUD: There has been a start made and it is being encouraged more and more. I do not know what would be the number.

Mr. JONES: They have P.T.A. plus school committees on Indian reserves. I wonder if I might make a statement, Mr. Chairman?

The ACTING JOINT CHAIRMAN (*Mr. Jorgenson*): Yes, go ahead, Mr. Jones.

Mr. JONES: Mrs. Clark touched on something very close to me—because I am up through the welfare field—and that is, women's institutes. A few years ago, particularly in eastern Canada—and we were also able to get enthusiasm aroused in the west—there were organized homemakers' clubs. We were having conventions in eastern Canada three or four days at a time. We felt it would be a logical step if there could be liaison with the home economics branch of the provincial department of agriculture or the women's institutes. For three different years we had the director of that organization spend three days at these conferences, lecturing, showing films, film-strips and what-not. But it did not seem to work out.

The women's institute were just overshadowing the Indian homemakers' club and, in our estimation, were going too fast, overpowering these Indian organizations. So that we felt the initiative for the proper time to join in with the local women's institute clubs must come from the Indian homemakers' clubs, and they should not be pushed by either federal or provincial organizations.

I thought the delegates would be interested in that little background on something which is very dear to me, homemakers' clubs and the women's institute. It must come on its own appeal and not from being forced from the top down.

Mr. MELING: So that, for example, the director of Indian affairs would welcome such a development as, I understand, has recently occurred in Vancouver, where women of the Squamish band who live on a reserve within the city limits, and close to the Southlands residential district which is non-Indian, have come into the habit of stepping outside their reserve to become fully participating members of the local women's institute.

The JOINT CHAIRMAN (*Senator Gladstone*): All Indians would welcome just what Mr. Melling has said now. Any homemakers or home and school association I think would welcome work if they had the privilege of going on the reserve or of inviting members of the different women's organizations on the reserves to their meetings, so that the Indian women would be able to find out what everything was all about.

In Alberta we have only one welfare worker for the whole province. I do not know how she does it, but she does a very good job.

The ACTING JOINT CHAIRMAN: It seems to me that the recommendations on pages 19 and 20 are related somewhat. I wonder if we are not dealing with all four of them at the same time.

Mrs. CLARK: It is true they are related, but we have separated them because we think they have a special importance. Each one has something to say which is distinctive; particularly this one at the bottom of page 19. We are suggesting closer cooperation of the citizenship branch. That grows out of our own concern in giving leadership to the many, many voluntary organizations which want to do something in the way of assisting the Indian communities and Indian groups. That is on one side. On the other side we see the Canadian Citizenship branch, a branch which has great skill, knowledge and experience in working with the voluntary organizations. Our suggestion in this particular recommendation is that there could be closer cooperation, particularly in relation to the work of the voluntary organizations, between the citizenship branch and the Indian affairs branch.

On the next page, on the question of the regional advisory committees, I think this is very important. We do not want to pass by without any comment on this. Here we are suggesting that some of these voluntary organizations, in fact many of them, need direction as to how to work with

Indian groups, just as the Indian groups need direction as to how to work with the non-Indian groups. It would be the height of folly for us to give direction to these voluntary organizations just to go to a reserve and offer their services. We think that just chaos would prevail. We think there needs to be some definite machinery whereby the women's institute, the home and school, and many other organizations can get some direction as to how to give their services. I think this would meet Colonel Jones' problem. These non-Indian organizations do need some guidance on how to provide this help.

We know there is a wealth of service available free which can be drawn on if we just have the skill to know how to draw on it.

In respect of this word "advisory", we are not holding very strongly to the word if that should happen to be objectionable to the members of this committee. We are thinking of a consultative process. If you might think we are trying to advise on government policy, that is not our idea. We are thinking of some regular and effective machinery which will make it possible for the Indian Affairs Branch to draw on these resources and make use of them on the reserves. At present it just falls to chance.

The ACTING JOINT CHAIRMAN: Are there any questions on this?

Do you wish to make some comments on the resolution at the bottom of page 20?

Mrs. CLARK: I might just read it:

That greater use be made at the federal level of the facilities which exist for mutual consultation and discussion between all organs of federal authority whose work relates to, or includes dealing with, Indians.

The ACTING JOINT CHAIRMAN: Does anyone have any questions on these two items on page 20? If not, we will move on to page 23.

Mr. MELLING:

That, on the basis of independent surveys of the economic potential of reserves, the Indian Affairs Branch give top priority to developing the economic growth of Indian communities by a variety of means, including the provision of initial capital investment on the basis of which Indians can practice "self-help" more effectively.

Mr. Chairman, so far we have been looking at the process of developing Indian communities, first in terms of creating opportunities for the Indians to retain and develop the best of their cultural inheritance, and next in terms of the opportunities which their own community existence can be made to offer so as to assist their political advance.

Now we have to turn to the economic aspects of this whole process of Indian community development. In offering the recommendation that we do in this section of the brief, we would not want it to be assumed that the one and only purpose of developing Indian communities, during the next generation or so, is an economic purpose. On the contrary, we have argued in various parts of our brief against so limited a view of this whole business of development of Indian communities. We have argued primarily that the process can be justified in educational terms, such as introducing the Indians to a process of social change which in fact will make them ready for more change.

Nevertheless, if we are realistic we shall recognize that there is more chance that the federal government will authorize a really effective program for developing Indian communities if there are some economic gains to help offset the inevitable cost. We also feel it is important that the Indian people themselves, preoccupied as so many of them are by economic considerations, should have the opportunities of developing their communities in an economic

sense, wherever this proves to be feasible. We ourselves do not believe that all Indian communities can be economically developed to the point where they are supporting Indians at a standard of livelihood comparable with that of most other Canadians. We believe that far too many of the reserves are too remote from foreseeable lines of communications. Some of them are too small and too thinly populated for them ever to attain the status of established, viable communities. On the other hand, we believe that it will be a great mistake to assume that a large number of these reserves cannot be developed economically. That is why we have said that a very urgent priority should be given by the branch to devising ways and means for assisting this economic growth.

We think that this growth can be developed in two kinds of area: first of all, we think that there can be local schemes, locally initiated, that will supplement the present income of Indians. I could give examples of that, if there were time.

We also think that other schemes, that certainly have local implications but that depend on close co-operation between the federal authority and the provincial planning and economic development authorities, will need to be worked out in association with business enterprise. We believe that the second type of scheme holds much greater promise than the first, and strictly local, scheme. We feel that the time is coming when there will be an important movement of general economic growth in our country from the south towards the north, to replace the older process of economic growth which has been from the east towards the west.

What we are anxious to see is that this process of growth shall be assisted in all ways by the authority responsible for Indian affairs, with a view to securing that the Indians do benefit from it; do have adequate opportunities to take the jobs that will follow from it—and that the notion of what is an Indian community be not too strictly defined.

We think, for example, that, if there is a process of economic growth occurring from the south to the north which should happen not quite to follow the pathway in which Indian communities are set, nevertheless arrangements should be made for strengthening those Indian communities by securing to the Indians access to the jobs that lie in reasonable proximity.

We feel that if there were the development of close cooperation between the federal authority and the provincial planning authorities, with business fully brought into consultation and the claims of the locally available Indian labour made plain, the Indians would be likely to share, in a measure in which they are not at present sharing, in this general process of economic growth.

I will give as my closing remark an example of what we think ought not to occur. There was a development of uranium mines at Uranium City. A fair number of Indians were employed in the preliminary development work in that area; but when it came to regular working of the mines, according to my information only one Indian was employed. This is what we call discrimination, howsoever it may be caused, against the population which is on the spot. We want to secure that this economic growth, which is going to occur—and is beginning to occur—redounds as much to the advantage of the Indian as it does to those whites who so often have to be imported from the south.

The ACTING JOINT CHAIRMAN: Are there any further comments?

Mr. HENDERSON: What was the reason these Indians were not regularly employed that were on the job?

Mr. MELLING: I am afraid, Mr. Chairman, I cannot answer that question. I have not myself made a close, detailed investigation of this point.

Senator HORNER: Would it not be that it was work that they had no desire to do? Would it not be that they were willing to work on road building and that sort of thing, but to settle down to work in a mine would be strange to them? They would have their trapping, and all that sort of thing?

Mr. MELLING: It could be, Mr. Chairman, that it was work for which they were not trained.

Senator HORNER: It could be that.

The ACTING JOINT CHAIRMAN: Are there any further comments on this, or any questions on it? Would any of the other witnesses care to comment further on this?

Senator HORNER: You remarked about the scattered, small bands. Of course, they might have a trapping area that was quite profitable for a small band, but would not maintain a larger band. That may be one of the causes that they have spread out. I am speaking now of the Northwest Territories. Would that be so, in your opinion?

Mr. MELLING: I am sorry, Mr. Chairman; I did not quite hear.

Senator HORNER: There would be, naturally, small numbers in some bands because of a limited area, and it would be profitable for a small band, where it would not be a profitable living for a large number?

Mr. MELLING: Yes.

Mr. SMALL: I do not think, in the present day and generation, there is any reserve that is capable of maintaining a band, anyway. I think it has got to the stage now where that is not possible.

Mrs. CLARK: Capable of what?

Mr. SMALL: Maintaining a band in employment, at the present day and with the price of things; is that a possibility?

Father RENAUD: At the present standards, I am afraid you are right. There is a surplus of population in many areas. And we all know, in so far as agriculture is concerned, that it takes a larger acreage now to operate a farm than it used to at the time the treaties were signed, for example.

But, as Mr. Melling pointed out, these Indians should be helped to take advantage of the development that is going on in their area; and if that means a crash program of technical training for jobs which they can perform without a great deal of education, by all means let them do it.

With reference to this uranium development, there were definitely certain occupations the Indians could have taken; but it was not considered at all. It did not fit into the pattern, I guess. Often what happens is that a company takes over a whole area, organizes its own municipality and sets its own standards for housing, and so on and so forth—and it is impossible for the Indians to break through at that stage.

Mr. BALDWIN: What you might have in mind would be a cataloguing of human skills and resources in a certain area, and liaison between the department and industry possibly going into that area, so that they could be employed, where available?

Father RENAUD: Yes.

Mr. BALDWIN: The Indian affairs department no doubt has that in mind. And, with the trend towards the north which, of course, as you mention, is definitely occurring, as industry creeps into the north you would like to see the department make sure that is done?

Father RENAUD: Yes, exactly. In relation to that, I would like to add that there are definitely certain occupations for which the Indians, because of their background, are, naturally speaking, better qualified to start with. It may be

a matter of not knowing the language, for instance, or certain economics, but if the type of life or living habits, which these occupations enforce on whoever takes them, is more agreeable to their own understanding of life—things that involve mobility and economics—and if, in cataloguing, we take that into consideration, it would be easier for the Indians to fit in. If we expect the Indians to train generally, like our own children, it will take “X” number of generations before they take their place. How many Indians there are who do not reach a proper level to take a formal training. And, it is not necessary. Any of us who have lived in the north know that white children are hard to convince. It is difficult to convince the boys they should go on to grade 12. They know they can take a job at any time, operating a “cat” or truck—and they do get good wages. It is not a matter of full academic or technical training.

The ACTING JOINT CHAIRMAN: Are there any further comments?

Mrs. CLARK: I think, Mr. Chairman, this recommendation must be seen in the light of increasing populations on the reserves, diminishing resources so far as fishing and hunting are concerned, and increasing welfare relief payments that we are having to pay or sustain when there is no employment for them.

Mr. MELLING: Yes.

According to the estimates, Mr. Chairman, for 1959-60, the sum of \$5,800,000 is set aside for the relief of Indians. Now, this seems to us to be a terribly high figure. It seems to us it would be very much better for the Indians—and very much better, of course, for the taxpayers of Canada—if this sum of \$5,800,000 could be transferred from the purpose of relieving Indians to serve the purpose of developing the economy and towards enabling Indians to earn their own living. They need the opportunities to pay their own way, and to become fully self respecting members of our society.

It is for this reason that we do wish to stress that a great deal of attention be paid—difficult though we think the working out of arrangements will be—toward devising schemes of economic development that will assist the advancement of our Indian communities.

The ACTING JOINT CHAIRMAN: Are there any further comments or questions on this?

Before we pass on, I think Mr. Jones would like to make a comment here.

Mr. JONES: Well, Mr. Chairman, I can just thank the association for endorsing our policy.

I can assure the delegation from Toronto that it is being given the highest priority. We have recognized this for several years.

We set up a new division to search out and catalogue the areas of employment, soil values, and everything that the delegates have mentioned this afternoon. We have removed it from social welfare and, at this moment, it occupies top priority in our work and planning for next year.

As far as the \$5,000,000 is concerned, of course, the committee would realize that that could not all be channelled into economic development. We have been very relentless in our endeavours to bring the relief scale—if you want to call it that—or the social assistance scale of Indians to something comparable to the surrounding non-Indian communities. Think of the old people—people 63 and 64 years of age; think of the widows, the children, and the trapping families who cannot exist on their earnings from the trapping industry in view of such low prices for furs. When you take all those factors into consideration, a lot of the \$5,000,000 is being spent in a humane endeavour, and very little of it could be channelled into economic alternatives, although we might wish that.

Mr. THOMAS: I would like to ask a question of Colonel Jones.

From what you stated, Colonel Jones, I gathered that in order to assist the Indians, through capital investments, which might create jobs in their communities, the capital would have to be found in addition to this money which is used for social assistance but, in time, it might be recovered through the savings in social assistance. However, initially, large sums in capital investment would be found, in addition to the sums that are necessary for social assistance.

Mr. JONES: Partially so. My last remarks were aimed at explaining the large amount in our social welfare assistance appropriation for people who, through no fault of their own, need assistance. We will place before this committee some recommendations on economic development, amendments to the Indian Act, and a different system of loaning. I think, Mr. Thomas, that is what you possibly have in mind. We have those things in mind to stimulate industry amongst the Indians not only on reserves, but off reserves. However, I just wanted to make a plea for the helpless, who must be supported from that welfare assistance vote. While we deplore spending any money that could be used for some productive work we do try and keep it to the minimum. With the success of this new division, creating employment, we possibly can earmark extra money for loaning. I think we will be able to keep the necessary relief to a minimum. That is our hope.

Mr. MELLING: Mr. Chairman, I think that our delegation here will understand very well the difficulties in which the branch finds itself, when it is under a humane obligation to maintain a large number of Indians who are living in a subsidy economy. On the other hand, it does seem as though the amount of money currently available for developing schemes of economic enterprise, is much less than is being made currently available for relief.

Colonel Jones has spoken several times about the economic development division of the branch, and a member of the committee did, in fact, ask whether we had any comments to make upon the organization and staffing of that division. As I said earlier, we have no comments to make on that division. We are, in fact, without information about it, and it would be helpful to our own delegation and, possibly, to the members of the committee, if we could have some further information as to how this division has been set up, and what the qualifications are of the principal staff for the task of economic development.

Mr. McQUILLAN: Might I suggest that the delegation obtain that information directly from the officers of the branch. We can hear from Colonel Jones at a later time, and we can get whatever information we want from him then. I notice the clock is ticking away, and we want to finish this presentation.

The ACTING JOINT CHAIRMAN: I am sure the committee will appreciate that suggestion. And if there are no further questions on this item perhaps we might pass to the last item which deals with the legal status of Indians, and is to be found on page 27 of the brief.

Mr. MELLING: I shall be very brief, although this is our most important recommendation.

When I made my introductory remarks this morning I mentioned that our own Association, in trying to give considerable attention last year to the status of Indian people, found itself so baffled by the implications of that status, social, political and economic, that it felt that if the problem was to be adequately explored in all its ramifications, it would need to be examined by a special body of experts appointed expressly for this purpose and sitting, we suggested, for a period of five years.

We feel that the best laid schemes of mice and men can come unstuck when you have complex legal questions arising about human beings and their ordinary activities.

Therefore we do urge that this committee agree that such a commission be set up to look into this question of the legal status of Indians. We feel that we, as an Association, are not able to make any further recommendations about amendments to the Indian Act—any more than we have recommended at the present time—until we ourselves have the kind of information which we think such a commission could produce; and we believe that if we are in this position, probably everybody else is too, although perhaps we may be immodest in thinking that way.

Nevertheless that is our final and our main representation, that such a body be set up for the purpose we have named, and that it report, with a view to further changes being made in the Indian Act if their report should warrant such changes.

Mr. THOMAS: This suggestion, I agree, is probably the most important one that has come before this committee. I cannot say that it will do much for the egotism of the committee to suggest that they do not have what it requires to make this necessary study.

However, there have been a series of court cases in Canada through the years which have involved this matter, and it is very involved, and as far as I know, no clear cut decisions have been arrived at. The issue—if I may use the word—was dodged, and as far as I can see each situation has been by-passed with as little difficulty as possible. But I would be inclined, I think, to go along with this suggestion.

Mr. SMALL: I do not think the committee would find much trouble in placing itself in such a thankless job.

Mr. McQUILLAN: Would the witness suggest that no revision of the Indian Act be made until such a commission had studied it for five years?

Mr. MELLING: No. We have in fact proposed certain changes in the Indian Act, and having done that, we would not feel free to make any further proposals for changes in the act until we had all the evidence which such a commission might produce.

Dr. MONTURE: Mr. Chairman, in support of this recommendation I would simply cite the case of my own reserve, that of the Six Nations, where we had a small rebellion which I think is still uppermost in the minds of our people.

It was strictly on a point of jurisdiction which must be resolved some day if there is ever to be peace and harmony on that reserve.

It is a question of whether or not the Six Nations reserve is a reserve under the terms of the treaty. And, for good reason, you will doubtless hear more about it before the committee ends. This is a special case of jurisdictional authority, and I think it must be settled. This is the sort of thing that a commission of this kind could establish, and I cite it as an example of a very important thing which involves the lives and harmony of five or six thousand people.

The ACTING JOINT CHAIRMAN: Is there anything further on the last item?

Mr. CLARK: I wish to underline the point which Dr. Monture has made, and I would like to call attention of the committee to the fact that the problem which arose in the Six Nations—call it uprising or revolt—was brought before a parliamentary committee ten years ago, and was probably in their minds long before that. So this legal problem has remained unsolved for a very long time.

Mr. SMALL: Is that not the crux of the situation, that there is a certain element—let us put it this way, whether it is in the report or not—who feel that they are in the position of a sovereign body, and that as such they have to be recognized? In other words, that they have the right to make treaties like any other nation or any other country, over and above whether or not they are on a reservation; and that this question has to be solved before you can get any kind of cooperation or an amicable settlement made. It will have to be solved sooner or later, and probably this is the time to solve it, if it can be solved.

Mr. McQUILLAN: If the right could be given to them to appeal to the courts, that would be the proper place to settle the problem.

Mr. SMALL: No, I think they established that the courts cannot enter the picture, and that it is a matter of international law. That is the difficulty. It is the only condition which exists in the whole of Canada because, as I mentioned before, in their setup they owed allegiance to the French crown and also after the time of cessation from one country to the other, they owed allegiance to their Britannic majesties to carry out the recognition of Indians under the treaty. And they say there is an agreement—whether they have the necessary documents to establish it or not, I do not know—but they say that condition was set out in the terms of capitulation in 1759, that the Indians owed allegiance to the French crown and also to the British crown. That is the crux of the whole thing.

I think it is stated in this brief or in the other one that was heard yesterday. The Six Nations rightly consider that if it had not been for their support, there probably would not be any British possession today in Canada. So it is a problem which does have to be solved.

Mrs. CLARK: We were giving this as an illustration. The crux of the matter is, is it not that we have a peculiar legal situation, whereby there is a linking of Indian property rights, local residence on a reserve and membership of a band—they are all tied up together. It is that problem that is so difficult to solve.

Mr. SMALL: The Caughnawaga Indians at the time of the expropriation of the land, when they were building the St. Lawrence seaway, experienced that same kind of difficulty. It is all tied up in that.

FATHER RENAUD: I would like to add to what my colleagues have already stated.

One of the implications we would like to underline is that in the process of helping the Indian find their proper place in the economy of the country, the legal status comes in in that matter of owning title. If we look back on our own society we acknowledge the fact that many of our own forms of organizing ourselves are based on the ownership of private property. Many of the patterns on which our society lives—be it capitalism, communism, socialism, and so on—are based on private property. The present legal status does not afford that very much for the Indians. If that be the fact, there is a very complex legal problem there.

The ACTING JOINT CHAIRMAN (*Mr. Jorgenson*): Is there anything further?

Senator HORNER: You have no solution to suggest? I notice that the individual Indian has not the right to sell without the majority of the band agreeing. Do you suggest that he be given that right to own his own land, have title to it?

Father RENAUD: This is what we would like this commission to explore.

Mr. BALDWIN: That is the broad picture brought up yesterday by Mr. Moses?

Father RENAUD: Exactly.

The ACTING JOINT CHAIRMAN (*Mr. Jorgenson*): Is there anything further? If not, I believe this concludes the hearing today. Time is getting on.

I wish to thank the members of the committee for their patience this afternoon and for their cooperation; and I also wish to thank the witnesses for appearing here today and giving us the benefit of their views.

I might add that on next Wednesday we will be hearing from the federation of Saskatchewan Indians. This meeting has been arranged. However, it has not been confirmed.

On the 26th we will have two briefs, one from the aboriginal rights committee and the other from the Nishga tribal council. We hope we will not have any difficulty getting a quorum like we did today.

Mr. SMALL: On that subject, this is a serious reflection upon this committee, what has happened since we started on this Indian affairs problem. I am not criticising anyone—in fact, I am just as culpable as any other member. But it is a bad reflection upon this committee that these people are brought down here and have to sit for an hour, waiting for us to get a quorum. Whether it is our fault, or whether we will have to bring in some kind of disciplinary action to get them here, I do not know.

Mr. HENDERSON: There are too many committees; that is all.

Mr. SMALL: These people have to put up with this—not “impudence” but a complete waste of their time, and we are taking liberties with other people’s time. I think that is the way to describe it.

The ACTING JOINT CHAIRMAN (*Mr. Jorgenson*): If that is all, the meeting is adjourned.

APPENDICES

- Appendix F1 Annapolis Valley Band, Nova Scotia
 " F2 Chapel Island Band, Nova Scotia
 " F3 Eskasoni Band, Nova Scotia
 " F4 Middle River Band, Nova Scotia
 " F5 Burnt Church, New Brunswick
 " F6 Oromocto Band, New Brunswick

APPENDIX "F1"

IN THE MATTER OF AN APPLICATION TO
THE INDIAN AFFAIRS BRANCH
OF THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATIONBrief Setting Forth Recommendations Pertaining to
Members of the Annapolis Valley Band.

WHEREAS the Indians in Canada are continually faced with problems arising from peculiar circumstances in various districts and parts of the Dominion.

AND WHEREAS the members of the Annapolis Valley Band in many cases are scattered throughout the district and are not living on the reservation, are suffering hardships by reason of the existence of the provisions or lack of provisions from the Indian Affairs Branch of the Department of Citizenship and Immigration.

NOW WITNESSETH that the members of the Annapolis Valley Band in regular meeting duly assembled have adopted the following recommendations and urge that legislation be effected at the earliest possible date:

1. The Annapolis Band request the establishment of a policy of emergency housing systems for those Indians who by reason of their livelihood are already established off the reserves.

2. The Annapolis Valley Band request the establishment of a policy of emergency housing and education for qualified young Indian families who wish, for purposes of their livelihood, to establish themselves off the reserves.

3. The Annapolis Valley Band request legislation which will repeal the provisions pertaining to the use of liquor by Indians so that in future Indians should have the same rights as non-Indians.

4. The Annapolis Valley Band, for purposes of economy and to obtain the best education facilities available for the Indian children recommends the discontinuance of schools and education facilities on reserves.

5. The Annapolis Valley Band recommends the establishment of a policy of adult education and technical training for those Indians over school age.

6. The Annapolis Valley Band recommends extra attention in job placement by the Unemployment Insurance Commission for those Indians who by reason of their segregation have become handicapped.

7. The Annapolis Valley Band recommends that whereas Indians are now paying provincial taxes they should be entitled the same provincial treatment and resources as non-Indians such as children's aid, provincial relief, free school books, etc.

The Annapolis Valley Band repeats the above seven recommendations and would point out that the most important and serious problem facing the Band is in connection with the housing laws. It is the feeling of the Band that those Indians living off the reservations should partake of all the housing benefits as those who are on the reservation.

To all of which is respectfully submitted.

Annapolis Valley Band.
Michael Francis, Chief
Agnes Gorman, Councillor
Marshall Smith, Councillor

APPENDIX "F2"

CHAPEL ISLAND BAND

Barra Head, N.S.
23 December, 1959

Mr. E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa.

Dear Sir:

On behalf of the Chapel Island Band, I wish to present this brief which represents objective criticism of Departmental policy as carried out by the Eskasoni Indian Agency and a review of certain problems affecting the welfare of all band members.

First, I would like to draw your attention to the fact that our Reserve for the past two years has witnessed serious unemployment and destitution. We have no timber resources whatsoever and cannot compete on the labour market with the non-Indian labour force, because many of our adult residents are without salable skills. From a welfare point of view, it is in its entirety a relief proposition. Therefore, we ask you to give serious consideration to establishing a trades training program such courses as carpentry and mechanics on the Reserve or providing increased efforts in sending many youths to trade schools so that they may acquire the necessary requisites to secure employment. We also suggest that the mineral resources of our Reserve be investigated.

In considering the education matters of the community, notwithstanding the above, we would certainly like to see increased emphasis on adult education for the men and women of our Reserve. Courses in cooking, sewing and carpentry, would be a definite asset.

Many of our children must walk two miles to school. You can imagine the hardship this presents when clothing needs are something to be desired. We suggest that a system of transportation be given the Reserve. From a Health and Welfare point of view, we feel there is a definite need for a case worker because we feel that each individual household needs instruction on proper household management, particularly with reference to budgeting, sanitation, etc.

Our housing needs are very great, rooms are small and over crowded, and many occupy small dilapidated structures which represent health hazards, many homes are in need or repairs because our disposable income is insufficient to provide family needs. Consequently, we are unable to afford to repair their homes. Therefore, if a proper home environment is to be given our children while they attend school and also when mixing with white children substantial and physical structures should be provided.

With respect to the administration and the Indian Act, we would like to say that we hope to have hunting privileges on our Reserve without paying the usual Provincial licenses. We would also like to see the Agency staff more often, but we fully realize the amount of work which they have to contend with and prevent frequent visits to our Reserve.

Signed: John Basque,
Chief

APPENDIX "F 3"

Eskasoni Reserve
29 December 1959

Mr. E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa.

Dear Sir:

We, the undersigned Councillors of the Eskasoni Reserve present this brief for consideration by the Committee investigating Indian Affairs. We trust that the constructive criticism of government policy, and the objective analysis of the community's needs will in some manner provide sound administration and promote much needed guidance in community development for the long term interests of each and every Indian family of Eskasoni.

Perhaps one of the most important and unfavorable feature of living conditions on our Reserve is that of accommodation, in that some twenty families are without homes whatsoever and occupy overcrowded quarters with inlaws. Their incomes are very low and inadequate to meet living requirements, notwithstanding housing needs. Consequently, from a welfare viewpoint we believe that increased housing assistance is a most urgent need. On the other hand, many homes, built a decade or so ago, in a mass productive manner need repairs, particularly to roofs, cellars, and in many cases partitions.

All phases of repair represent major and costly work beyond the financing ability of the occupant.

This housing problem is most apparent when one realizes that our Reserve population has increased by two hundred people during the past five years and very few of these have migrated elsewhere. Therefore, to assure a more desirable and proper home environment for our children, better housing conditions through increased governmental assistance is deservedly needed.

Relief by cheque weighed by size of family and cost of living index should be given. This would allow greater freedom of buying at perhaps lower prices in any store, regardless of those politically designated. Such action might encourage individual businesses on the larger Reserves as for example, Eskasoni.

The community store should be affiliated with the Eastern Co-op Services so that shares accruing to members could be apportioned accordingly. This will give the band a chance of supporting their own enterprise with yearly dividends to each member, rather than the present system, of crediting profits of the community store to Band Funds for community projects under Council control.

We also feel that a welfare officer and two assistants should be added to the Agency staff, to properly investigate the individual householder's needs. The present staff cannot deal properly with welfare matters under present working conditions, where the Indian's problems are hastily dealt with.

While we are provided with excellent day schools, and teachers, may we suggest that greater emphasis be placed on:

- (1) a practical guidance program for elementary and high school children so that they may be educated in the trades and for professions for which they are most adapted.
- (2) the establishment of adult or vocational training courses in carpentry, mechanics, welding for the 16 to 30 age group that have lower academic qualifications than others. After completing such training, jobs should be found in the urban centres.

- (3) Since the dress of Indian children attending non-Indian schools does not approach non-Indian standards, greater clothing allowances should be provided regardless of the family financial circumstances.
- (4) Pocket money or financial assistance should be given Indians from Eskasoni who attend high schools and colleges and cannot obtain summer employment, but must loaf around the Reserve.
- (5) Children attending high school should receive proper dental and medical attention and glasses without charge.
- (6) A physical education teacher should be provided Eskasoni schools where almost three hundred children attend. Such a program would tend to make Indian children more alert, of better health and more acceptable for Reserve employment. A community playground and gymnasium should be provided the youth of Eskasoni to properly dispose of leisure hours and reduce vandalism.

We strongly urge that a doctor or a nurse be provided Eskasoni. Many householders are unable to care for sick children because of ignorance, the lack of medicines and knowledge of the fundamentals of first aid. Children are being transported to hospitals at great cost when a nurse's or doctor's attention would suffice while to the contrary many severe cases receive delayed or inadequate initial attention. A community of 1,000 population, thirty miles from hospital should have a nurses' station or doctor's office and we strongly protest the recent removal of the nurse from Eskasoni.

There is much to be desired in providing employment for Eskasoni residents. We are firmly convinced that available resources of timber are inadequate to provide sustained employment for the densely populated Reserve. However, notwithstanding this desirable feature of gainful employment, more could be done to introduce a greater degree of self sufficiency—gardening could be encouraged by providing land clearing, seed and fertilizer to those who wish to undertake part time or small scale farming, a community fishing wharf or stage could be constructed to enable many to obtain their own fish requirements.

Increased emphasis could also be placed in retaining farm woodlots for the Band or for individual Indians on a loan basis. This is of great significance since the establishment of a pulp mill in Cape Breton.

It would also be appropriate to suggest that greater assistance should be given to qualified Indians particularly the young married and single groups of Eskasoni in becoming established in urban centres. Housing assistance, and training in salable skills should be given.

We strongly recommend a thorough investigation of the economic possibilities of our Reserve by a qualified committee as we are currently in a state of destitution.

We feel that many community services could be provided Eskasoni which in itself is as large as many towns. In addition to a community playground, sidewalks, lighting, community hall, and the already suggested wharf could be made available.

We also request that the Indian Act be revised to give Indians of Eskasoni free hunting and fishing privileges eliminating the present system of purchasing provincial licences and stress that the Indian Act be more often and regularly reviewed to enable the Indian to more readily adjust to modern ways of life.

Signed:

Charles Francis

Levi Lafford

Levi R. Denny

Leo Sylliboy

Margaret Johnson

Joe F. Gould

John N. Paul

William Bernard

Sarah Denny

Appendix "F4"

Middle River Reserve
23 December 1959

Mr. E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa.

Dear Sir:

On behalf of the band and council, I wish to present the following brief pertaining to certain problems on the Middle River Reserve.

Our Reserve is located in Victoria County, nine miles west of Baddeck on the Trans Canada Highway #5. It comprises some thirty-five families representing a population of almost two hundred.

I would like to draw your attention to the following economic, social and educational matters as pertaining the Middle River Reserve which perhaps require special attention by the Indian Affairs Branch.

In the field of Education, we are perhaps fortunate in that a new two room Indian Day School has been provided for the elementary grades to grade VIII. However, there is an obvious need for a domestic science room where adults and children can learn the proper methods of household management including cooking, sewing and sanitation in the home.

Furthermore, young school students and the "stay at home" unemployed age group should be given courses in woodworking and mechanics, to provide a skill for work in these respective trades. This could be given in a special classroom equipped for that purpose. High school students should be given greater guidance in their best adapted fields of endeavour. Entrance into forestry schools qualifying them for forest rangers, would be a desirable feature of such a program.

There is much lacking in promoting employment on the Reserve, which is without wood or mineral resources. Our main source of employment has been derived from road construction and woodwork. Greater attention could be given to securing farm woodlots to be properly cropped and managed on a cutting right or lease basis. Revolving fund loans or government grants should be given to qualified Indians to fish all types of fish as herring, cod, mackerel, oysters, eels, or lobsters.

While we are getting visits from the Agency nurse, I urgently request that a case worker or social worker be employed to give individual attention to each householder in conjunction with a broadened welfare program.

There is a great need for new houses as many family living in shacks unfit for human habitation. Moneys allotted to the Agency are insufficient to meet the needs. People cannot acquire desirable social habits while the present situation exists. Therefore, we ask for greater housing assistance.

I humbly ask you to consider the above problems to ensure better living conditions for the residents.

Signed: Frank Bernard
Chief

Appendix "F5"

BURNT CHURCH BAND

Burnt Church Band,
Burnt Church, N.B.
November 15, 1959.

Mr. E. W. Innes,
Committee Clerk,
House of Commons,
Ottawa, Canada.

Dear Sir.

My Councillors Members and I received your very welcomed letter dated the 12th of August 1959.

After a thorough survey concerning our most important problems we kindly acknowledge your letter.

Problem No. 1. Speaks for inadequate accomadations for Indians of this Band. During the past several years there have been numerous complaints from members of this band as to the condition of there homes either being to small or to cold and I strongly recomend and urge the Department to take this very important problem into Consideration as to improve the houses for the indians of this Band.

Problem No. 2. Several months ago the members of this Band. My councillors and I held a very important meeting the Subject of this meeting was Based on Relief, "Higher Rate" we went as far as to Notify the Minister. The results were as far as we know was that our Local Supt. was given the Authority to provide us with the fulliest Benifits. The Local Supt. then made an indication by raising the relief with a Sum, not worth while mintioning.

The employment Situation in this vicinity is very grave each time we've approached this problem to the Local Supt. we've been Simply ignored. It would appriciate my members and I very much if the Department would considers this problem over carefully.

Problem No. 3. Speaks for the school children. During the school term Several Children are unable to attend School especially during the Cold winter Months after an investigation I've discovered that these Children were not missing school intentionally they were missing classes due to the fact that there parents were unable to purchase clothes for there Children. It is a very pityful sight to see a child improperly clothed for the type of winters we experience here Our Local Supt. does Very, Very little to overcome this problem

Problem No. 4. Concerns our roads, Our Roads for the past years have been another problem well worth mentioning in the Spring-time espacially, the roads are impassible for Viechles there are absolutely no ditches for the water to flow leaving mud and water up to 1 to 2 feet in Depth.

This and the other 3 problems written we Consider our Most Major ones we experience and live through each day of the year, If in any way any of these statements are doubted by the Dept. We would appriciate in having an Official from Ottawa to come and tour and investigate thoroughly So that he may see for himself the problems. In Closing My Members and I hope that Something will be done to overcome these problems.

We Remain Yours Sincerely,
Chief—Edmund Francis
Councillors—Raymond Narvey
Basil Joe,
Alex Mitchell.

APPENDIX "F6"

OROMOCTO BAND

Oromocto, Burton, N.B.
November 3rd, 1959.

Mr. E. W. Innes, Secretary,
Parliamentary Committee on Indian Affairs,
Parliament Buildings,
OTTAWA, Ontario.

Dear Sir:—

In response to a request from the National Commission on the Indian Canadian, I have consulted my counsellors and band members of the Oromocto Indian Band regarding a brief on our affairs to be submitted to your committee. My counsellors and band members have given me unanimous support to forward to you our ideas on the situation affecting our band.

At the meeting mentioned several needs of the band at the present time were stressed. The band felt the most urgent need, with winter coming on in the near future, was some provision for firewood. During last winter and the previous winter we did get firewood by arrangement of the department. This winter however I am informed by our Indian Agent, we shall have to buy our wood. This is an impossible situation at the present time in view of bad employment conditions. A large number of our men are out of work and have no idea where they would raise money for purchasing firewood.

Another subject mentioned at the meeting was the disposition of proceeds from the sales of part of our reserve land to the Department of National Defence about three years ago, a block of 69 acres approximately. At the time we were assured that the defence department would assist us in finding a woodlot where we could cut our firewood in the future. This woodlot was to be paid for and granted by the Department of Indian Affairs. We have no knowledge of what happened to this promise, but the land has not been made available to us.

A further matter of pressing interest to the band members is the annual winter situation in this area, and the probable effect on band members this winter. As I pointed out earlier there is hardly any work going on. We would be most grateful if some provision could be made for winter relief or some assistance given during the winter months at least. In the area involved in the Oromocto Reserve there are about thirteen families and most of them will require some assistance during the winter. It would appear as in every previous winter times will be hard here. It is hoped that the Indian Affairs Department will take some practical action to relieve this situation in the near future since winter weather would be expected any time.

I should be very pleased to give your committee any information at any time on the questions raised in this letter, which is an expression of the opinions of band members of our reserve at the recent meeting mentioned above.

I am,

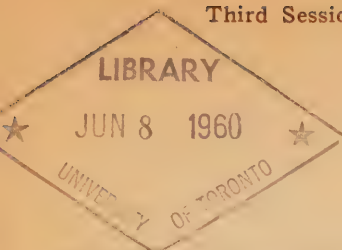
Yours truly,

Chief, John Sacobie
Oromocto Indian Reserve
Oromocto, Sunbury Co., N.B.

c.c. to Mr. John Melling,
Executive Director,
National Commission on the Indian Canadian
113 St. George Street,
Toronto 5, Ontario.

Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

WEDNESDAY, MAY 25, 1960

WITNESSES:

From the Federation of Saskatchewan Indians: Mr. Bill Wuttunee, Legal Consultant; Mr. John B. Tootoosis, President; Mr. David Knight, Vice-President.

From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of Indian Affairs Branch.

From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone,

Joint Chairman,

Hon. W. A. Boucher,

Hon. D. A. Croll,

Hon. V. Dupuis,

Hon. M. M. Fergusson,

Hon. R. B. Horner,

Hon. F. E. Inman,

Hon. J. J. MacDonald,

Hon. L. Méthot,

Hon. S. J. Smith (*Kamloops*),

Hon. J. W. Stambaugh,

Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman,*

Mr. H. Badanai,

Mr. G. W. Baldwin,

Mr. M. E. Barrington,

Mr. A. Cadieu,

Mr. J. A. Charlton,

Mr. G. K. Fraser,

Mr. D. R. Gundlock,

Mr. M. A. Hardie,

Mr. W. C. Henderson,

Mr. F. Howard,

Mr. W. H. Jorgenson,

Mr. S. J. Korchinski,

Mr. R. Leduc,

Mr. J. C. MacRae,

Mr. J. J. Martel,

Mr. H. C. McQuillan,

Mr. H. J. Michaud,

Mr. R. Muir (*Cape Breton North
and Victoria*),

Hon. J. W. Pickersgill,

Mr. A. E. Robinson,

Mr. R. H. Small,

Mr. E. Stefanson,

Mr. W. H. A. Thomas—24

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

WEDNESDAY, May 25, 1960
(16)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Fergusson, Horner, Inman, MacDonald, and Stambaugh.

The House of Commons: Messrs. Badanai, Charlton, Fraser, Henderson, Howard, Jorgenson, Leduc, Martel, and McQuillan.

In attendance: From the Federation of Saskatchewan Indians: Mr. John B. Tootoosis, President; Mr. David Knight, Vice-President, and Bill Wuttunee, Legal Consultant. From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of Indian Affairs Branch and Mr. C. I. Fairholm, Executive Assistant to the Director. From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Clerk read the Second Report of the Steering Subcommittee as follows:

Your subcommittee recommends that representatives of the following Indian organizations be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Six Nations Confederacy (2 official delegates) to be heard on June 22nd;
2. Union of Ontario Indians (2 official delegates) to be heard on June 23rd.

Your subcommittee recommends that the committee pay, on behalf of the official delegates of the above-mentioned Indian organizations, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa; (such period not to exceed two days).

Your subcommittee also recommends that representatives of the following organizations be called to appear on the dates indicated below, before the Joint Committee on Indian Affairs:

1. Canadian Catholic Conference to be heard on June 15.
2. Province of Saskatchewan, to be heard on June 16.

On motion of Mr. Howard, seconded by Mr. Badanai,

Resolved,—That the Second Report of the Steering Subcommittee be now concurred in.

Agreed,—That the brief of the Federation of Saskatchewan Indians be taken as read and included in this day's evidence.

The Vice-Chairman introduced Messrs. Knight and Wuttunee to the Committee, and Mr. Wuttunee made a brief introductory statement.

The Committee considered individually the resolutions in the brief of the Federation of Saskatchewan Indians with Mr. Wuttunee being questioned and supplying additional information thereon, assisted by Mr. Tootosis and Mr. Knight.

Mr. Jones, Director of Indian Affairs Branch, also supplied information on a number of related matters.

At 11.00 a.m. the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(17)

The Committee resumed at 3.30 p.m. The Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Fergusson, Horner, Inman and MacDonald.

The House of Commons: Messrs. Baldwin, Barrington, Charlton, Fraser, Hardie, Henderson, Howard, Jorgenson, Martel, McQuillan, Small and Stefanson.

In attendance: (Same as at morning sitting)

The Committee resumed consideration of the resolutions in the brief of the Federation of Saskatchewan Indians, and Messrs. Wuttunee and Knight answered questions thereon.

Mr. Jones, Director of the Indian Affairs Branch, and Dr. Moore, Director of Indian and Northern Health Services, supplied information on a number of related points.

Questioning being completed, the Vice-Chairman thanked the witnesses for their presentation.

The Clerk read a telegram signed by Mr. Charlie Jack representing a number of bands of the Queen Victoria Treaty Protective Association, advising that they are not in favour of Federal and Provincial vote and liquor rights and that they are not included in the resolutions of the Saskatchewan Indian Federation.

At 5.55 p.m. the Committee adjourned until 9.30 a.m., Thursday, May 26th.

M. Slack,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, May 25, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, I see a quorum.

We have with us today the representatives of the federation of Saskatchewan Indians, Chief David Knight, the vice-president of the organization and Mr. Wuttunee, who will be the spokesman.

Mr. BILL WUTTUNEE (*Legal Consultant, Federation of Saskatchewan Indians*): Yes. Actually all of us will be prepared to answer questions.

The CHAIRMAN: I think the committee would like to know the number of bands you represent and whether or not there are any other organizations in Saskatchewan.

We have a second report of the steering committee. This is the report of yesterday's meeting. I will ask the secretary to read it.

The CLERK OF THE COMMITTEE:

Your subcommittee recommends that representatives of the following Indian organizations be called to appear on the dates indicated below, before the joint committee on Indian affairs:

1. Six Nations confederacy (2 official delegates) to be heard on June 22nd;
2. Union of Ontario Indians (2 official delegates) to be heard on June 23rd.

Your subcommittee recommends that the committee pay, on behalf of the official delegates of the above-mentioned Indian organizations, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa: (such period not to exceed two days).

Your subcommittee also recommends that representatives of the following organizations be called to appear on the dates indicated below, before the joint committee on Indian affairs:

1. Canadian Catholic conference to be heard on June 15.
2. Province of Saskatchewan, to be heard on June 16.

The VICE-CHAIRMAN: Do I have a motion for the adoption of this report?

Mr. HOWARD: I so move.

Mr. BADANAI: I second the motion.

The VICE-CHAIRMAN: Would you proceed, Mr. Wuttunee. I would suggest, as there is a considerable amount of material in the first part of this brief which I think we have been over with various other delegations, that it might be satisfactory if this whole brief is included as read in the minutes of the committee.

Is that agreed?

Agreed.

JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS
ON
INDIAN AFFAIRS

Brief of
The Federation of Saskatchewan
Indians

Regina, Saskatchewan, December 31, 1959.

INTRODUCTION

In October of 1958, the first province-wide conference of Indian Chiefs and Councillors of the Province of Saskatchewan was held at Fort Qu'Appelle. 64 of the 66 bands in the province were represented and it was unanimously agreed to form the Federation of Saskatchewan Indians. The Federation replaces the Union of Saskatchewan Indians and the Queen Victoria Treaty Protective Association.

The 1959 Conference was called especially to consider the submission of a brief to the Joint Committee of the Senate and the House of Commons. The delegates passed a number of resolutions which were to form the basis of a brief.

The brief is composed of three parts:
Part I deals with the resolutions;
Part II contains the resolutions and
Part III contains A Model Indian Act.

The Model Indian Act was prepared so that it could be used as a legislative guide. The resolutions which were passed at the Conference were incorporated into the Act. Parts of the present Indian Act have been omitted from the Model Indian Act such as "possession of land". This subject presents a very difficult problem and it is hoped that it will be the subject matter of a later conference.

We certainly hope that this brief will give this committee some guidance in formulating future policy tempered with the aspirations of the Indians of Saskatchewan.

The Federation of Saskatchewan Indians.

Administration and Delegation of Authority

It is the overriding desire of all Indians to be permitted to run their own affairs. This desire is also shared by the administration as more and more councils are permitted and encouraged to run their own affairs. However, there is still a great encumbrance and restriction of power in authority of the councils by reason of the limited sphere in which they are permitted to exercise discretion and decision.

The root of the evil of government by regulation is found in Sec. 3(2) of the Indian Act which reads as follows:

Sec. 3(2) The Minister may authorize the Deputy Minister of Citizenship and Immigration or the Chief Officer in charge of the branch of the Department relating to Indian Affairs to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian Affairs.

The Federation of Saskatchewan Indians passed a resolution that:
(Resolution #1)

Administration

WHEREAS under Section 3 of the Indian Act, the Minister of Citizenship and Immigration may delegate his authority to the deputy minister or the chief officer in charge of the Indian Affairs Branch and

WHEREAS the effect of such delegation of authority is to set up three heads of the Indian Affairs Branch and to increase the government of Indian Affairs by regulation,

BE IT THEREFORE RESOLVED that the said section (3) of the Act be amended to withdraw the delegation of authority of the chief officer in charge

of the Indian Affairs Branch and that any delegation of the Minister's powers be restricted to the Deputy Minister.

We have suggested new wording for section (3) as follows:

(1) "This Act shall be administered by the Minister of Citizenship and Immigration, who shall be the Superintendent General of Indian Affairs.

(2) The Minister may authorize the Deputy Minister of Citizenship and Immigration to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian Affairs."

One of the major complaints is that the Act gives too much authority to the Minister and to the Governor-in-Council.

Powers of the Minister

The Minister has unlimited power over the life and business affairs of every reserve Indian from the "cradle to the grave" as is indicated by the following sections of Indian Act:

- Sec. 42—Descent of property and all testamentary matters;
- Sec. 43—Appointment and removal of executors and administrators;
Administration of wills;
Execution of the terms of wills and the administration of intestate succession.
- Sec. 44—Courts may exercise jurisdiction in testamentary matters only with the consent of the Minister. No court order to be enforced without the consent of the minister relating to real property on a reserve.
- Sec. 45—No Indian will is to be valid until approved by the Minister.
- Sec. 46—The Minister may declare a will to be void.
- Sec. 49—Possession of land to be approved by the Minister.
- Sec. 51—All jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the Minister.
- Sec. 52—The minister may administer any property of infant children and may appoint guardians.
- Sec. 64—The Minister may authorize and direct the expenditure of capital moneys of the band.
- Sec. 66—The Minister may authorize and direct the expenditure of revenue moneys for any purpose that in his opinion will promote the general progress and welfare of the band.
- Sec. 67—The Minister may order payments of annuity or interest money of an Indian to be applied to the support of the wife or family;
- Sec. 108—The Minister decides who shall be enfranchised.
- Sec. 114—The Minister may make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools. Transportation of children to * and from school.

—"Indian Residential School Regulations" containing 18 sections.

—"Indian Day Schools Regulations" containing 16 sections.

Sec. 121—A religious minority may build a separate school only with the consent of the Minister.

Powers of the Governor-in-Council.

The Governor-in-Council is given authority to make regulations with respect to a wide variety of subjects as indicated by the following sections:

Sec. 42—Descent of Property "Indian Estate Regulations"—(17 sections).

Sec. 57—Timber. "Indian Timber Regulations" (30 sections).

Sec. 66(3) The Governor-in-Council may authorize the expenditure of revenue moneys of the band.

Sec. 72—The Governor-in-Council may make regulations for

- (a) Protection of Game.
- (b) Destruction of noxious weeds.
- (c) Traffic—"Indian Traffic Regulations"—(9 sections).
- (d) Destruction of dogs and protection of sheep.
- (e) Control of places of amusement.
- (f) Control of communicable diseases.
- (g) Medical treatment and health services "Indian Health Regulations" (21 sections).
- (h) Compulsory hospitalization.
- (i) Inspection of premises.
- (j) Prevention of Overcrowding.
- (k) Sanitary Conditions.
- (l) Boundary fences.

Sec. 72(3) is a general section which reads as follows: "The Governor-in-Council may make Orders and regulations to carry out the purposes and provisions of this Act." It appears that most of the regulations which are not made under any other section are made pursuant to the authority of this section. Some of the regulations are as follows:

- (1) "Indian Referendum Regulations"—(33 sections).
- (2) "Indian Oil and Gas Regulations"—(51 sections).
- (3) Tariff of Fees.
- (4) Disposal of forfeited goods and chattels—(4 sections).
- (5) Indian Quartz Mining—(37 sections).
- (6) Loans—(6 sections).

Sec. 73—Election of Chiefs and Councils.

Sec. 75—Regulations governing elections—"Indian Band Election Regulations"—(18 sections).

Sec. 79—Regulations governing meetings of band councils—"Regulations governing procedure at Indian Band Council Meetings"—(31 sections).

Sec. 108—Enfranchisement.

Sec. 113—Schools.

There is indeed unlimited authority given to the Minister to make regulations and because the authority is so wide, there is every possibility that the

Minister or the other officers may exceed their authority and so make regulations in areas where there is no jurisdiction.

Since there have been no judicial pronouncements on the validity of these regulations, the Minister has not had the privilege of judicial guidance.

The Federation of Saskatchewan Indians strongly condemns the granting of such wide regulatory powers to the Minister and to the Governor-in-Council. It is absolutely necessary that the authority to make regulations should be restricted to certain defined specific areas which by necessity the Governor-in-Council may have to regulate. It must be borne in mind that the regulations which are passed by the Governor-in-Council are actually regulations suggested and prepared by the Deputy Minister or the chief officer. Although there is a difference between the Minister and the Governor-in-Council, in actual fact all regulations which are proposed are proposed by the Minister or the Deputy Minister.

PART I RESERVE ORGANIZATION

Areas and Boundaries of Reserves

It is suggested that in order to obtain uniformity throughout the reserve system that every reserve should be divided by the Minister into divisions and that every division should be assigned a number.

Such demarcation would facilitate administration and would also provide for a system of orderly area representation on the council of each band. There are some councils which still desire that the reserve constitute one electoral section.

We suggested a new section for the Act as follows:

Division of Reserves

Sec. 8 (1) Subject to subsection 2, every Reserve shall be divided by the Minister into divisions and every division shall be assigned a number.

Sec. 8 (3) Where the majority of the electors of a reserve who were present and voted at a special meeting held and called for the purpose do not desire to have the reserve divided into electoral divisions and reports to the Minister accordingly, the Governor-in-Council may order that the reserve shall for voting purposes consist of one electoral division.

Organization of a Reserve

It is well known that the Indian population is increasing with great rapidity so that the population on reserves is fast exceeding the production potentials of the reserves.

The reserves which were established after the signing of the treaties were sufficient in area for the economic needs of the people at that time. Nearly a century has elapsed since the establishment of reserves and it is obvious that the needs of the people are quite different to the bow-and-arrow buffalo days.

The Act should therefore be designed to provide for expansion and for land exchange.

Some reserves are lacking every means of productivity and those reserves which are in this category deserve sympathetic consideration towards improvement.

In this connection an F.S.I. resolution reads as follows:

Land Exchange—Resolution II

WHEREAS many Indian reserves are agriculturally incapable of supporting all the residents thereof and

WHEREAS many of the reserves are sub-marginal lands unsuitable for farming and

WHEREAS it is desirable that reserves contain farm land, hay, wood and fish

BE IT THEREFORE RESOLVED that provision be made in the Act for the exchange of sub-marginal reserve lands for productive lands.

We suggest a new section as follows:

Sec. (9) (1) The Governor-in-Council may by Order assign a name and number to any reserve and may by Order constitute any new area a reserve.

(2) Notice of the organization of a reserve, giving its name and number, and a description of its boundaries and the boundaries of its several divisions, shall be published in the Canada Gazette.

PART II RESERVE COUNCIL

Constitution of a Reserve Council

We suggest that the powers of every reserve should be exercised by the Council thereof with an absolute minimum of interference by the Minister and the department.

We would propose a new section as follows:

Sec. 10. The powers of every reserve shall be exercisable by the Council thereof. One of the advantages of division would be area representation on the council. Such a system would permit the election of a councillor for each division. Such a new section would read that:

Sec. 11 (1) The Council of every reserve shall consist of a Chief who shall be the head thereof, and one councillor for each division.

This new section would replace section 73 sub-sections (2) (3) and (4) which provide that

"Sec. 73 (2) The Council of a band in respect of which an Order has been made under sub-section (1) shall consist of one chief, and one councillor for every 100 members of the band, but the number of councillors shall not be less than two, nor more than twelve and no band shall have more than one Chief.

(3) The Governor-in-Council may, for the purposes of giving effect to subsection (1), make orders or regulations to provide that

(a) the Chief of a band shall be elected by

(i) a majority of the votes of the electors of the band

(ii) a majority of the votes of the elected councillors of the band from among themselves, but the Chief so elected shall remain a Councillor

(b) that the Councillors of a band shall be elected by

(i) a majority of the votes of the councillors of the band, or

(ii) a majority of the votes of the electors of the band in the electoral section in which the candidate resides and that he proposes to represent on the council of the band.

(4) A reserve shall for voting purposes consist of one electoral section, except that where the majority of the electors of a band who were present and voted at a referendum or a special meeting held and called for the purpose in accordance with the regulations have decided that the reserve should for voting purposes be divided into electoral sections and the Minister so recommends, the Governor-in-Council may make orders or regulations to provide

that the reserve shall for voting purposes be divided into not more than six electoral sections containing as nearly as may be an equal number of Indians eligible to vote and to provide for the manner in which electoral sections so established shall be distinguished or identified.

Tenure of Office

Sec. 77 (1) of the Indian Act provides that Chiefs and Councillors shall hold office for two years. It has been the experience of most Chiefs that a term of two years in office is not long enough to become fully experienced in administrative matters. It generally takes a few months to get accustomed to the affairs of the band and it takes much longer to familiarize themselves with the necessary procedures and regulations. In this regard the F.S.I. passed a resolution as follows:

Constitution of a Reserve—Resolution III.

WHEREAS it is desirable for a Chief to have an opportunity to demonstrate his ability and

WHEREAS the Chief should have every opportunity of learning to administer the affairs of the reserve and

WHEREAS the present term of office of two years for a Chief is too short

BE IT THEREFORE RESOLVED that section 77 (1) of the Act relating to the tenure of office of Chief be amended to read "three years" instead of "two years." We have, therefore, proposed a new section as follows:

Sec. 11 (2) The Chief shall hold office for three years and each councillor shall, save as hereinafter provided, hold office for two years.

We recommend that for the purposes of efficiency and continuity that the election of councillors should be staggered. A resolution of the F.S.I. proposes as follows:

Councillors—Resolution IV.

WHEREAS it is desirable to have continuity on the council of the reserve and

WHEREAS at the present time the tenure of office for a councillor is two years and

WHEREAS it is desirable to have area representation

BE IT THEREFORE ENACTED that the councillors elected for the odd numbered divisions at election first held shall hold office for one year and the councillors elected for the even numbered divisions for two years respectively.

We have therefore proposed a new section as follows:

Sec. 11 (3) The Councillors elected for the odd numbered divisions at the election first held after the organization of a reserve shall hold office for one year and the councillors elected for the even numbered divisions for two years respectively.

Declarations of Office

The present Indian Act makes no provision for a declaration of office by the members of the Council. If a declaration of office was required before taking office, it would impress the proposed incumbent of the serious nature of his duties. The F.S.I. propose a new section as follows:

"Declaration of Office"

Sec. 12 (1) Every member of the Council and every officer of the reserve, shall, before entering upon the duties of his office, make and subscribe a declaration of office to the following effect: "I, AB, do solemnly promise and

Sec. 31(1) "The chief shall be the chief executive officer of the Reserve, and it shall be his duty to be vigilant causing the laws governing the reserve to be duly executed, to inspect the conduct of all reserve officers and so far as is in his power to cause all negligence, carelessness and violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the council all such information and recommend such measures as may tend to the betterment of finances, health, security, cleanliness, comfort, ornamentation, and prosperity of the reserve.

Sec. 32(1) The Chief may suspend any reserve officer, and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer.

(2) In case he is dismissed, such officers shall receive no salary or remuneration from the date of suspension.

Sec. 34(1) If so requested at any time by the written petition of 20 electors the Chief shall, by public notice conspicuously posted in at least ten widely separated places in the reserve, call a public meeting of the electors for the discussion of the reserve affairs or any matter relating thereto.

(2) The Chief may, when authorized by resolution of the council, call a public meeting of the electors for the discussion of any reserve matter.

Remuneration of Chief

For many years, Indians have maintained that if their Chiefs are to perform their duties satisfactorily, they should be paid by the Minister a living wage suitable to their station in life.

We have therefore proposed a section as follows:

Sec. 31(2) The Chief shall be paid by the Minister the sum of \$350.00 per month and shall receive the sum of \$500 for his annual expenses.

(3) The Chief shall be furnished with a tailored suit and hat duly decorated with brass buttons and gold braid or if he chooses with a business suit and hat within six weeks of his appointment.

We would suggest a source of income which could be utilized for payment to Chiefs. There are 66 bands in Saskatchewan which are administered to by approximately 57 agents.

These assistant agents are paid approximately \$3600 per annum, are furnished with automobiles and houses to live in. We suggest that all these agents be removed and that the money which is used to pay them be applied in payment of Chief's salaries.

At the present time there are four Indians who are assistant agents in Saskatchewan. These Indians have been removed from their reserves, thereby depleting leadership from the reserves from which they have been removed.

If Chiefs were to be paid, it would enable those Indians who have been appointed assistant agents to return to their reserves and there to serve their own communities.

Committees

The Indian Act is silent on the appointment of committees by the council. Instead 'Regulations Governing Procedures at Indian Band Council Meetings' provide for standing committees at Sec. 24 to 29.

We recommend that provision for appointment of committees be made to the Act as follows: See Appendix Committees Sec. 35.

Vacancies

The Indian Act makes no provision for the filling of vacancies on the council and we accordingly recommend that the following sections be added to the Act. (Sections 36 to 38).

Appointed Councillors

There is no provision in the Act for the appointment of councillors or Chiefs and since some reserves are sometimes neglectful in electing their council, it is only proper that the Act should make some provision for the appointment of councillors and Chiefs. We therefore recommend new sections as follows. See Appendix Sections 39 and 40.

PART III RESERVE ELECTIONS

The Indian Act, Sec. 75 provides for Indian Band election regulations. The regulations which have been passed pursuant to Sec. 75 are inadequate. It is recommended that there be more specific direction in the Indian Act with regard to Reserve Band elections.

We would suggest that the following Part III of our proposed amendments be included in the Indian Act. See Appendix Part III (Secs. 41-132).

PART IV RESERVE OFFICERS

Appointment

We are of the opinion that the Council should have the power to appoint a secretary-treasurer to attend to correspondence for the reserve and generally to carry out instructions of the council.

The appointment would be a full time job and therefore it would be necessary to provide for remuneration.

The incumbent of the position would have to have a certain minimum qualifications which would be set by the Minister.

For this purpose, we recommend that Part IV of the proposed new sections be incorporated into the Indian Act. (See Appendix Part IV) (Sec. 133-146).

PART V POWERS AND DUTIES OF COUNCILS

Bylaws

Sec. 80 of the Indian Act provides that "The Council of a band may make bylaws not inconsistent with this Act or with any regulation made by the Governor-in-Council or the *Minister* for any or all of the following purposes, etc.

It is to be noted that the section gives very limited power to the Council because since the Act gives so much power to the Minister to make regulations and to the Governor-in-Council, there are hardly any fields in which the Council can make regulations.

It is therefore proposed that Part V of the suggested sections relating to powers and duties of Councils be incorporated in the Indian Act. (See Sec. 147)

Some of the more important powers and duties of the Council which we have proposed are as follows:

Sec. 154 "Except as herein provided the council of every reserve may make laws for the peace, order and good government of a reserve and perform and exercise the duties and powers imposed or conferred on it by this Act either by resolution or by bylaw, for any or all of the following purposes, namely (see Sec. 160) to purchase, lease, or otherwise acquire for the use of the reserve any estate in landed property, within or without the reserve for any purpose whatsoever.

160(2) To unite with the Council of any reserve, city, town or village for the purpose of erecting an office building which shall be used jointly by the councils having a joint interest therein.

(3) To unite with the councils of other reserves, cities, towns, villages or municipalities for the construction or maintenance of any public work, or for the performance of any matter or thing deemed by all councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of any undertaking that concerns their respective municipalities.

Generally this section gives powers to a reserve council which are generally given to the councils of any municipality, city, town or village.

Management of Indian Moneys

At the present time Indian Councils are not able to spend their capital or revenue funds without the approval of the Minister.

In order to give Indians the realization of independence, then the spending of their own funds will have to be left to them as much as possible. In this respect we propose as follows:

Sec. 167(1) "All Indian moneys held by the Minister in trust for a reserve shall be paid to a chartered bank, chosen by the Council, to the account of the said reserve.

(2) The Council may by bylaw or resolution authorize and direct expenditure of capital moneys of a reserve for any purpose the council may deem desirable subject to the approval of the Minister.

(3) The Council may by bylaw or resolution authorize and direct the expenditure of revenue moneys of the reserve for any purpose the council may deem desirable without the approval of the Minister.

It is to be noted that in the case of capital funds, the approval of the Minister is required before expenditure. This attitude has been adopted because capital moneys are in the same category as land and therefore before any expenditure of such moneys can be made, it is desirable that due consideration be given to the advisability of such an expenditure and this may be attained if it was made subject to the approval of the Minister.

It is to be noted that no such consent is required in the case of the expenditure of revenue moneys.

Education

The F.S.I. wishes to commend the Federal Government and especially the Indian Affairs Branch, Education Division, for integrating Indian children with non-Indian children and we urge that this program be accelerated as much as possible.

There has been some previous discussion in this committee with respect to the willingness of non-Indians to accept Indian children in their schools. We mention a specific instance in which a white community turned thumbs down on a proposal to integrate Indian children into their school. This incident

happened at the Village of Cando, located about 40 miles south of Battleford in the province of Saskatchewan. The village is only ten miles from the Red Pheasant Indian Reserve and the Mosquito-Grizzly Bear Reserve.

During the winter of 1958-59, Chief Gavin Wuttunee of the Red Pheasant Reserve, canvassed his Indians and finally convinced them of the benefits of integrated schooling. A meeting was subsequently arranged with the residents of Cando, the members of the school board, the Indian Affairs Branch and Chief Wuttunee.

The proposal for integration was flatly turned down by the villagers for various reasons, among others, that the Indians would move to the village.

In view of the refusal, consideration is now being given to sending the children to Battleford, a distance of 30 miles.

The Indians have not been discouraged by this demonstration of apparent racial superiority and will continue to make arrangements for the integration of their children.

Because of the misunderstanding which sometimes arises in school agreements, the Indians have proposed that these agreements be in writing between all parties concerned.

A resolution of the F.S.I. reads as follows:

Written Agreements

WHEREAS there is great value for Indian children to be educated in the same school as white children and

WHEREAS the responsibility in matters of education, according to the Treaties, lies with the Indian Affairs Branch and continues to be the responsibility of the Indian Affairs Branch even when the Indian children attend public school and

WHEREAS there can arise serious misunderstanding when agreements are made between local school boards, the Indian Affairs Branch, and the Department of Education and Indian Bands for integrated schooling

BE IT THEREFORE RESOLVED that the F.S.I. urge all Indian Councils to insist upon written agreements involving the four parties mentioned above before allowing their children to attend public schools.

School Buses

Buses used for the transportation of Indian children to school vary from open trucks to more elaborate and suitable vehicles and since the children must spend hours each day on the road, it is recommended that every effort be made by the Indian Affairs Branch to make sure that there are proper school buses and that there are a sufficient number thereof.

Indian Adult Education

At the present time the Adult Education Division of the Provincial Government of Saskatchewan is sponsoring evening classes for adults in communities throughout Saskatchewan. It is recommended that since there is not now any organized adult education for reserve Indians that such practical courses as basic reading and writing, sewing, cooking, etc., are of vital interest to Indian adults that every effort be made by the Indian Affairs Branch to make an agreement with the Provincial Government to provide Indian Adult Education.

Vocational Training

It is presently compulsory for Indian children to attend school until 16 years of age and if young Indians are to be properly equipped at skills enabling

them to find profitable employment, then it is desirable that the right kind of training in their formative years be given to them so that they may become self sufficient citizens leading useful lives in society.

We recommend that the Federal Government take immediate steps to implement a vocational training program to be developed with regard to the economic situation faced by the young Indians.

Home and School Associations

The pilot project of school committee formation launched by the Education Division has given encouragement to the reserves in their desire for greater self determination.

The Indians also feel that Home and School Associations will give them greater understanding of the school programs in the progress of their children. We recommend therefore that the Indian Affairs Branch be urged to give all its support and assistance to the formation of such organizations and in providing organizational help.

Prizes for Pupils

In order to give impetus, initiative and encouragement to Indian pupils, the Federation has proposed that a system for providing prizes be given consideration by the Education Division. This can be accomplished as well by encouraging the various reserve councils to set aside certain sums for this purpose. It will greatly assist the teachers and give the students new goals for which to strive.

Another suggestion which is put forward is that a booklet should be compiled by the Indian Affairs Branch containing information on various topics, such as an Indian "Who's Who", Contents of the Treaties, the outside world which is encountered by Indians leaving the reserve, and that these booklets should be distributed to the students as well as to the Indians.

Notification of Available Services

Many Indians are not aware of the services provided by the Placement Officer and the School Superintendents and we would recommend that every effort be made by these persons to acquaint the Indian people with the services which they can give.

We would suggest that they should meet with all the bands throughout Saskatchewan so that all bands will be familiar with the services they have to offer.

Health Services

For some years, serious misunderstanding has existed and still exists concerning health services for Indians. The Federal Government through its Indian Health Services has adopted the view that it is not legally obligated to provide health services to Indians but that it provides these services only on a welfare basis.

The Indians are thoroughly convinced and rely on provision of health services to them as of right and not only on a gratuitous basis.

These contradictory approaches to health service makes it very difficult for the parties concerned to understand each other.

Many jurisdictional disputes over these services have arisen between the provincial government, municipal government and the Indian Health Services.

Everyone, other than those employed in the federal government takes the approach that the provision of medical services to Indians is the full responsibility of the federal government. Consequently no one else will provide that service to Indians only in cases of apparent necessity. This applies generally to all forms of welfare assistance.

From a legal viewpoint, all those Indians who come within the purview of Treaty #6 and the adhesions thereto, which takes in northwestern Saskatchewan and part of Alberta, are entitled to all medical, dental and health services and hospitalization by virtue of a provision in the Treaty which was judicially interpreted. The question arose in a Petition of Right in the Exchequer Court of Canada between *Chief Dreaver and others Vs. The Queen*. In a judgment by Mr. Justice Angers dated April 10, 1935, he held that "medicine chest" meant all of the aforesaid services.

It is therefore obvious that if the federal government is to fulfil its legal obligation as judicially determined than it must provide these services without charge. The Government has relied on various elusive techniques to avoid its responsibility such as cutting Indians off from health services after 12 months absence from their reserves.

Some clarification is also required in the administration of Indian Health Services. Although a program is laid out the people concerned are not familiar with the boundaries of the policy which they are expected to administer. Indians in Saskatchewan have been issued with regular hospitalization cards which have caused them some apprehension.

The issuance of regular cards implies to them that they will have to pay for them in the future. They would like those replaced with Indian identification cards, then there would be no doubt in their minds that they would continue to get free services.

In order to clarify the jurisdictional disputes arising out of Indian Health Services, we submit that it would be desirable to hold a Federal-Provincial Conference on this and other matters affecting Indians generally. Our resolution reads as follows:

Indian Health Services

WHEREAS INDIAN HEALTH SERVICES and other services affecting Indians have become matters of jurisdictional and constitutional dispute between Federal and Provincial Authorities and

WHEREAS it is desirable that a greater degree of co-operation on all matters affecting Indians be exercised between the Federal and Provincial Governments

THEREFORE BE IT RESOLVED that a Federal-Provincial Conference be held when Provincial Governments are submitting their Briefs on Indian Affairs and that Representatives of Indians be present and that Senator Gladstone use his good offices to arrange such a Conference.

WELFARE

Social Aid

Indigent Indians present a problem to the Councils of the reserves in which they live. The Indian Affairs Branch expect the local councils to look after them out of the band funds. This problem is a financial strain on band resources which should generally be utilized for the general advantage of the whole reserve.

It is therefore suggested that Social Aid be financed entirely by the Branch so that band funds can be utilized for more beneficial services.

Social Aid "Resolution # 22"

WHEREAS band funds are presently being spent on social aid and

WHEREAS band funds should be used for the general benefit of the whole reserve and

WHEREAS the cost of social aid can be very expensive

BE IT THEREFORE RESOLVED that the Federal Government be requested to meet the cost of social aid.

Geriatric Centres

There are many aged Indians who pose serious problems to their families and to the band generally. It is suggested that aged Indians be housed in Geriatric Centres either on or off the reservations.

Such Centres could provide expert care for the aged Indians thus alleviating their situation a great deal.

To give an example of the problems which are posed by the aged, we would like to refer to an 88 year old man who was living with his son who was blind and in receipt of a blind pension. The son was looking after his wife and three children who were 12 weeks, 2½ years and six years old respectively. The whole family was living in a tent on Poorman's Reserve in the Touchwood Agency, although it was late October and there was snow on the ground.

This example points out the need for proper care, not only of the aged, but for other disabled persons.

HOUSING

Allocation of Welfare Housing (Resolution #23)

Housing on Indian reserves is composed in the main, of two or three room log house chinked with mud.

In recent years, there has been some improvement with the construction of frame houses. Generally, housing is of a very poor standard without running water and without electricity and telephones.

It is recommended that the housing program on reserves be given impetus and quality. Since proper housing is a basic health need, prime consideration should be given to the problem.

Areas of Federal-Provincial Co-Operation

Power and Telephones—(Resolution #24)

WHEREAS there are no power or telephone lines on Indian Reserves which can be used by the residents and

WHEREAS there is usually a telephone line to the school or to the Assistant Agent's residence on a reserve and

WHEREAS there are certain agreements between the Indian Affairs Branch and the Province of Saskatchewan relating to other subject matter

BE IT THEREFORE RESOLVED that the Indian Affairs Branch make arrangements with the Government of the Province of Saskatchewan to extend to Indian reserves power and telephone services.

In Saskatchewan there is a vast Crown Corporation known as the Sask. Power Corporation and it is within the realm of immediate possibility that such a Corporation could provide its services to the reserves in Saskatchewan on a cost sharing agreement between the Provincial and Federal Government. We submit that negotiations in this respect should be made as soon as possible.

Road Construction and Maintenance

Another area in which Provincial and Federal co-operation would be utilized to great advantage is in road construction and maintenance. It is absolutely essential for economic reasons to have good market roads running through the reservations. If non-Indians are to deal with Indians, they must have good access roads. At the present time much of the road system consists only in widened wagon trails. Since the automobile has reached Indians as well, it is therefore imperative that more money be spent in road construction.

Our resolution reads that:

Resolution # 25

WHEREAS there are no good market roads on Indian Reserves and

WHEREAS the construction of such roads cannot be undertaken privately because of the high cost thereof and

WHEREAS the cost of maintenance of roads and highways is also high and

WHEREAS grid roads are presently being constructed in the Province of Saskatchewan

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be asked to enter into an arrangement with the Government of the Province of Saskatchewan for the construction, etc.

Commercial Fishing

This is another area for Federal-Provincial co-operation. As in other areas of wild life, it is recommended that consideration be given to a cost sharing agreement, with respect to commercial fishing since about 65% of the commercial fishing in northern Saskatchewan is carried on by Indians and since it requires considerable financing to do commercial fishing, it is very difficult for Indians to carry on their fishing enterprises without assistance.

Our resolution was as follows:

WHEREAS the majority of commercial fishing is carried on by Indians in Northern Saskatchewan and

WHEREAS there is a need for a cost sharing program with respect to commercial fishing between the Province of Saskatchewan and the Federal Government similar to the agreements now in effect with respect to wild life

BE IT THEREFORE RESOLVED that the said Governments be requested to enter into a cost sharing agreement with respect to commercial fishing.

OTHER SECTIONS OF THE INDIAN ACT

Trading with Indians and the Sale or Barter of Produce

The permit system which is in effect on many reserves and which is loosely exercised in others should be repealed. If any effect is to be given to the ever-widening desire to extend self-determination and independence, it follows that the outmoded system of granting permits has to be removed from the Act.

In this respect the F.S.I. passed a resolution as follows:

Resolution # 27

WHEREAS it is desirable that Indians be as independent as possible and

WHEREAS the permit system takes away independence of judgment of the Indians and takes away initiative

BE IT THEREFORE RESOLVED that all sections of the Act relating to permits be repealed.

Wills and Descent of Property

Sections 42 to 50 of the Indian Act are unnecessary and undesirable. The effect of these sections to give exclusive jurisdiction to the Minister in

testamentary matters. We believe that it is time the right to resort to the Courts of the land should be restored to the Indians. Why should they be forced to rely only on administrative decisions in dealing with their wills and estates? The Surrogate Courts of the Provinces are very adequate and would necessarily provide for the expeditious handling of estates because of their proximity. The right of appeal lies too when one is dealing with the Courts in all matters.

We therefore recommend serious consideration be given to our resolution.

Resolution # 28

WHEREAS all jurisdiction and authority in relation to matters and causes testamentary with respect to deceased Indians is vested exclusively in the Minister and

WHEREAS all such authority is vested in the Surrogate Courts of the Province in the case of non-Indians and

WHEREAS the present sections deny the use of the Surrogate Courts of the land to Indians

BE IT THEREFORE RESOLVED that all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, be vested exclusively in the Surrogate Courts and that sections 42 to 50 of the Act be repealed.

Treaty Money

Everyone knows that the purchasing power of the dollar continues to decline. In spite of this knowledge, the Canadian Government has not seen fit to adjust the treaty payments so that the current value of the dollar would resemble the value in 1874.

Our research indicated that

1. Each dollar in 1880 would be worth approximately \$3.31 in 1958—or
2. Conversely, one dollar in 1958 would be worth approximately 30 cents in 1880. In other words, the Government is now paying \$1.50 when in fact it should be paying \$17 so as to equalize the dollar value of 1874.

We urge that serious consideration be given to our resolution which reads:

Resolution # 29—Section 71

WHEREAS the Treaties provide for an annual payment of five dollars per capita and

WHEREAS the purchasing power of the said five dollars has decreased steadily since the signing of the said Treaties and

WHEREAS it is desirable to maintain a fair and reasonable interpretation of the said treaties and

WHEREAS the purchasing power of the dollar in 1873 was $3\frac{1}{2}$ times the purchasing power of the dollar today and

WHEREAS the method of personal payment presently in effect is cumbersome and time consuming

BE IT THEREFORE RESOLVED that the treaty payments be increased to \$17.00 per capita so as to coincide with the purchasing power of the dollar at the time of the signing of the treaties and that the said moneys be mailed by cheque.

It would also be time and money-saving if these payments were mailed out instead of paying it personally as is done at the present time. See Sec. 166 of Appendix.

AGRICULTURE

Grain Storage and Immediate Purchase

It is suggested that the Indian Affairs Branch should give consideration to a scheme which would permit the Branch to purchase all the grain of the grower as soon as it is harvested. The Branch would under such an arrangement be responsible for providing storage for the grain until it was finally sold. Initially a certain recommended price could be given the grower for his grain and when it was sold by the Branch the difference in the purchase price and the final selling price could be paid to the grower.

Recently an Indian farmer harvested 18,000 bushels of wheat. He had storage facilities for only a few hundred bushels and the rest had to be stock piled outside where it will be depleted by the weather and other natural causes. If such a plan as suggested were presently in effect, that farmer would have had some ready cash and he would not be discouraged from taking his chances in farming. Our resolution reads that:

Resolution # 30

WHEREAS cash advances are unsuitable to Indians engaged in grain farming and

WHEREAS the lack of suitable grain storage facilities is a formidable obstacle which causes serious losses and

WHEREAS the inability to immediately market grain causes great economic hardships which can be very discouraging

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be asked to store the said grain immediately upon the harvest thereof, and to purchase it at a reasonable price to eventually reimburse the grower thereof for the difference in the said purchase price and the eventual selling price.

Cattle brands

For many years it has been the practice to brand all cattle owned by Indians with one common brand known as "I.D." standing for Indian Department. The Indians are desirous of having their own registered brands and we recommend that registered brands be made available to the Indians.

Our resolution reads that:

Resolution # 31

WHEREAS all Indians use one 'brand' for their cattle, namely the "I.D." brand and

WHEREAS it is desirable to have individual registered brands

BE IT THEREFORE RESOLVED THAT all Indians be permitted to use registered brands.

Farming loans

The Indians have found that their present loans and the terms thereof are not sufficient. We submit that larger loans be made available repayable over a longer period of time.

Resolution # 32

WHEREAS there is a great need for long-term farm loans and

WHEREAS the cost of power machinery is very high

BE IT THEREFORE RESOLVED THAT the Federal Government be requested to provide for long term and larger farm loans.

Leases

We feel that too much emphasis has been given to leasing Indian land to non-Indians. This practice is not conducive to establishing a self-supporting outlook in the minds of the people. It would be of much greater value if these lands were made available to the band members themselves. Accordingly we suggest that some attention be given to our recommendation which reads that:

Resolution # 33

WHEREAS two hundred and four thousand acres of Indian lands in Saskatchewan are presently under lease to non-Indians and

WHEREAS it is desirable that the full one million two hundred thousand acres of Indian lands in Saskatchewan be available for the sole benefit of band members

BE IT THEREFORE RESOLVED that the leasing of Indian lands to non-Indians be discouraged as much as possible and the said lands be made available to the said band members.

Co-operative farming

Farming is generally a difficult livelihood for non-Indians and it is even more so for the Indian. We recommend that co-operative farming be instituted on a wide basis which would be properly controlled. In this respect the services of the Provincial Department of Co-Operation could be made available to the Indians.

There is presently a successful co-operative farming scheme at Matador and it is very possible that Indians could be started on such a program. There is great need for individuals and groups of individuals to be considered as economic units for the purposes of farming and surely the Federal Government could give outright grants to selected units for agricultural purposes.

Veterans Affairs

There are many Indian veterans with peculiar problems of their own. These veterans have difficulty especially in northern Saskatchewan in getting attention to their problems and it is therefore suggested that if an Indian veteran were appointed to the Veterans Affairs, he could devote a considerable amount of his time to their problems.

Our resolution is as follows:

Resolution # 34

WHEREAS there are many Indian veterans and

WHEREAS many of the said veterans, particularly in Northern Saskatchewan have difficulty in getting proper attention to their problems

BE IT THEREFORE RESOLVED that the Federal Government be requested to appoint an Indian Veteran to the Veteran Affairs Department to administer to the needs of "Indian Veterans and their families."

Indian Affairs Department

When the lives of 174,000 people are considered and when it is apparent that Indians as a minority group present unique problems because of the BNA, we suggest that a separate Department of Indian Affairs be established.

Resolution # 35 (Indian Administration)

WHEREAS Indian Affairs in Canada were at one time administered by a separate department and

WHEREAS they are now under the control of a branch of another department and

WHEREAS it is desirable that Indian Affairs should have a more prominent place in the concern of the Government of Canada

BE IT THEREFORE RESOLVED that this Conference petition the Government of Canada to establish a Department of Indian Affairs.

Indian Parliamentary Representation

Since it is an inherent democratic right that every person should be represented in Parliament, we take the stand that Indians, of all people, being the original natives of the country, should be represented.

We recommend that such representation could be patterned along the lines of the Maoris of New Zealand. We envisage that such representation would be a temporary measure pending the political education of the Indians. Such representation could be on the basis of one Member of Parliament for each of the Prairie Provinces and one for the Maritimes, while the Yukon Territory and the North West Territories could be combined and be represented by the M.P. Ontario and B.C., could each be represented by two members because of their large Indian population. The foregoing representation would require 10 Indian members which would be elected only by the Indians themselves.

The F.S.I. Resolution reads that:

Resolution # 36—(Indian Representative in Parliament)

WHEREAS Indians are not now represented in the House of Commons and

WHEREAS it is unjust for the natives of Canada not to be represented and

WHEREAS the said Indians are a minority group and should certainly be represented

BE IT THEREFORE RESOLVED that Parliament be asked to provide for representation of Indians in the House of Commons by Indian members to be elected on the basis of proportional representation by provinces.

Social Research (Resolution # 37)

We believe that a social research project should be inaugurated in Saskatchewan which would be similar to the British Columbia Indian Research Project. The Indians of Saskatchewan are quite different to the B.C. Indians and since their history is different so is their outlook. It would be helpful to have reliable information on the Indians of Saskatchewan which could be used in solving the problem which they have. It is very probable that the project could be sponsored jointly by the Federal Government and the Provincial Government of Saskatchewan.

CO-OPERATIVES AND PEOPLE OF INDIAN ANCESTRY

As one of the signatories of United Nations Charter, Canada undertook an obligation to "promote social progress and better standards of life"* throughout the world. This obligation is being met by various gifts which are given yearly to the under-developed nations. Canada is contributing 50,000,000.00

* Preamble to the United Nations Charter. The United Nations and How it Works—by D. C. Coyle.

a year to the Colombo Plan, a few million more to areas outside the Plan, and recently an \$8,000,000.00 scholarship plan was established to assist students from other nations. The Canadian Government is receiving high commendation throughout the world for its assistance to the broad community of man.

The Co-operative movement is playing a significant role in assisting the under-developed countries. In south and South East Asia, co-operative organizations are being promoted as the most effective means to motivate poor and oppressed people improve their economic condition and in a democratic manner learn to manage their own affairs. In view of the contribution made by co-operatives in Asia, we are convinced the Co-operative movement has an important part to play in assisting the first inhabitants of Canada.

At the outset we are aware that the problem faced by the Indian of changing from one cultural pattern to another—the non-economic factors are indeed formidable. However, we are encouraged by anthropological research studies conducted during the past decade in British Columbia, Saskatchewan, and more recently in Manitoba, on the problems faced by our indigenous people in the changing pattern of our society.

The Indian

According to the latest figures available there are 174,242** Indians in Canada and the population is increasing at 3 per cent per year. In any consideration of the Indian problem we are convinced we should also include the Metis as these people of Indian-White ancestry have in most cases similar problems. The Metis in Canada number between 30,000 and 40,000 persons.

Anyone who has ever visited an Indian Reserve or observed the hovels of the people of Indian ancestry on the periphery of our towns and cities, realizes that Canada has a colonial problem of considerable magnitude. In the last issue of the "Beaver"—Autumn 1959, an article entitled "The Buckskin Curtain"—Dr. M. C. Shumiatcher describes the condition of the first citizens as follows:

The surprising and terrible fact is that the Indian Canadian is virtually a stranger in his own land. He may once have roamed and ruled the whole of this vast country but today he is relegated to isolation on small reserved areas. A crooked, rutted road leads to his mud and log hut. Inside a family of five or six will be found crowded on the dirt floor that often serves as a bed. Cooking is done outside on a spit or on a primitive wood stove. Generally without electricity or water or sewerage, these dismal cabins are the most depressing homes in Canada—and they are occupied by the most depressed of all people.

Economic Conditions

The economic and social conditions of the people of Indian ancestry are a disgrace in a country as rich in resources as Canada. The vast majority of them live in a cycle of poverty which appears to be self-perpetuating. They are ill fed, ill housed, and ill clothed. For the most part they must leave the Reserve to earn a living and the primary resource gathering industries on which most of them depend are no longer sufficient to provide a meagre existence. They are no longer capable of living in the traditional manner, nor able to compete successfully with white men in a technological society.

** A Review of Activities 1948-1958—Indian Affairs Branch Department of Citizenship and Immigration.

Employment

The employment personality of the Indian makes it difficult for him to adapt to the regular routine of daily employment. This is a hangover from the nomadic way of life which did not require such a response pattern. It is not through choice that 75 per cent of them are casual labourers and they suffer from a lack of employment opportunities. Studies that have been made pinpoint the following as limiting his chances—

1. (a) A reluctance to move from the reserve to areas of high employment. The reserve is a cultural refuge and the outside offers racial discrimination and poor wages.

- (b) When he is successful in widening his horizons and moving away from his basic subsistence economy, the more he is liable to be faced with insecurity, both economically and culturally.

2. The Indian's irregular work habits and lack of job responsibility.

3. The lack of basic skills limits job opportunity.

Paternalism

The entire relationship of the Indian with Government is one which encourages dependency. When the Indians were obliged to surrender their interest in Canadian soil, the Government undertook to establish reserves and provide other benefits. The Indians believe Queen Victoria promised to look after them "as long as the sun shines and the rivers run". Speaking of the Metis, the Manitoba Study states: "because of the extreme poverty prevailing in many Metis communities learning how to obtain social assistance is one of the basic skills which must be learned in the same way as one learns to fish or trap."

The administration under the Indian Act has unlimited power over the Indian's activities. Through the years whatever initiative and resourcefulness possessed has largely been dissipated. In most cases the Indians have been deprived of responsible decision making and participation roles and this has led to a pattern of accepted dependency.

The Problems of Change

Social scientists have conducted research and experiments with backward people in many parts of the world and the procedures calculated to accelerate social and economic progress have been well documented. It is known *that no matter how good a programme is, if the people do not feel it was developed by and belongs to them, it will not work.* This has been demonstrated frequently in many parts of the world where resistance to change followed attempts to impose progress on the people. The problem is more complicated in the case of the Indian where there is a cultural barrier to overcome. Anthropologists who have studied the Indian culture have laid down a guiding rule to enable them to make the transition from one culture to another. *They should be involved and participate at all times.* All programmes should be introduced with the fullest possible consent and participation of those whose daily lives will be affected by the change.

National Plan

What type of programme is required to act as an antidote to government paternalism and at the same time invoke the enthusiasm and catch the imagination of the natives? It should involve the whole man and the whole community.

"The people of Indian Ancestry in Manitoba—p. 150—Department of Agriculture and Immigration—1959".

No other approach will overcome the apathy expressed in the strong belief that their individual efforts are not likely to succeed. One thing is certain—that any plan must be national in scope and oriented from the village upwards, and not the state downward.

Community Development

The United Nations have been assisting peoples with similar problems in other parts of the world. The most effective method of securing social progress through local action is through a method which has become known as Community Development. These methods were pioneered originally in Canada by the Antigonish Movement, where they achieved considerable success.

A Community Development Programme

Within the past few years there have been two significant reports written on the people of Indian Ancestry in Canada. These are "The Indians of British Columbia"* and "The People of Indian Ancestry in Manitoba"**. These two important Research studies advocate a community development approach to the Indian-Metis problem. The British Columbia report states the case as follows:

Page 42—The successful scheme of Community Development is not one that has built houses and facilities that compare favourably with those in White Canada. It is one that has created a general movement which can handle the internal affairs of the policy with sureness and vision, with executives who can make a reasonable assessment of the group's requirements for further development, who know where to turn for independent advice, and assistance, when they need it. This and nothing short of it will pave the way toward a healthy Indian Society, capable of an integration into Canadian life based on respect of human welfare and dignity.

It is against this background of the need for community development that all our individual suggestions must be considered.

Specialized agencies of United Nations have been promoting this approach to social and economic problems in the under-developed countries, and in a report by the Secretary-General of the United Nations March 1957, the concept of community development is spelled out.

†Community Development annex 11 p. 1.

1. The term "community development" has come into international usage to connote the processes by which the efforts of the people themselves are united with those of governmental authorities to improve the economic, social and cultural conditions of communities, to integrate these communities into the life of the nation, and to enable them to contribute fully to national progress.

2. This complex of processes is then made up of two essential elements. The participation of the people themselves in efforts to improve their level of living with as much reliance as possible on their own initiative; and the provision of technical and other services in ways which encourage initiative, self help and mutual help and make these more effective. It is achieved in programmes designed to achieve a wide variety of specific improvements.

* The Indians of British Columbia—by H. B. Hawthorn, C. S. Belshaw, S. M. Jamieson. University of California Press 1958.

** An Economic and Social Study under the direction of Jean H. Legasse, Department of Agriculture and Immigration, Winnipeg, 1959.

† Report on Concepts and Principles of Community Development and Recommendations on further practical measures to be taken by International Organizations.

Role of Co-operatives

The same U.N. Report spells out the role of co-operatives in a community development programme.

"80. VI. Co-Operatives.—There are close inter-relationships between the co-operative movement and community development, since co-operative organizations promote and foster the spirit of self-help and joint action and encourage local initiative, they may play an important role in creating the necessary social and psychological conditions for community development. Conversely, as the process of community development continues and a new social ferment is created, the co-operatives may be expected to gather an added momentum and vitality.

81. Co-operative methods can be conveniently applied to meet various specific social and economic needs of local communities. They can be used for example as a means of increasing production or income (through agricultural improvements, development of handicrafts and rural industries, introduction of rural electricity, improvement of transport, etc., providing better housing and related facilities and promoting health, education and recreation. In many multi-purpose co-operatives in particular may serve as a spearhead for the wider type of action implied in community development."

Credit System

There is no doubt that in the last 75 years we have not only misunderstood our role in helping the Indian but have neglected to give him the protection his status as a ward of the State demanded. It was clearly our duty not only to protect the indigenous people against liquor, taxes, trespassing on the reserve, etc., but more so to protect him against those who would exploit and take advantage of him. For generations the native ignorance of the values and standards of the white man have made him an easy target for the less scrupulous entrepreneurs.

The system of debt or credit which grew up with the fur trade established a system of peonage which has kept the Indian in perpetual servitude. Any economic advantage which may accrue through technological advance or more remunerative programmes is skimmed off by the dealers and storekeepers. As debt was inevitable the Indian status in the community was judged by the amount of debt he was able to procure from the trader. While the economic effect of this method of trading is bad enough, the social ramifications are of greater consequence. It sapped individual resourcefulness and initiative and made economic bondage a status symbol in the community.

Co-operative Credit

Credit needs for all marginal producers is a matter of life and death. To procure credit from dealers not only must the marginal producer pay unreasonable interest but accept a debilitating system of bondage from which he is seldom, if ever, able to extricate himself. Co-operative credit appears to offer the only long range solution to the credit problems of marginal producers. In these small societies, thrift is an essential element and the people themselves get to understand money and credit, establish credit ratings and make decisions on how available funds are to meet the needs.

The most extensive study ever made of the credit needs of marginal producers was the Indian Rural Credit Survey 1954* and dealing with co-operative credit the report states:

For several important reasons borne out by the experience not only of Indian but of many other economically undeveloped countries it may be regarded as axiomatic that at the rural base, that is to say in the village itself, no form of credit organization will be suitable except the co-operative society.

Role of Government

While the cultural and non-economic factors are of prime importance in helping our indigenous people, no worthwhile improvement in living standards of the natives can or will be brought about unless he is protected from those who take advantage of his situation. The government has a direct responsibility which is inescapable if the native is to improve his lot in life. A system of *laissez-faire* insofar as the economically and socially handicapped are concerned, will continue to aggravate the problem.

In most of the South East Asian countries the governments have formed a partnership with the people in developing co-operatives. The purpose is to eliminate profiteering from depressed people and teach them in a gradual process to manage their own affairs.

**The Government of Australia in the Trust Territory of New Guinea are basing much of their programme on co-operatives and trained staff are stationed in all districts to enable the widest possible coverage of economic activity. All co-operative societies operate on accepted co-operative principles, but are related in classification to the degree to which they are capable of managing their own affairs, without administration supervision and assistance.

Saskatchewan Experience

Closer to home, the Province of Saskatchewan has operated trading stores and fish filleting plants on behalf of people of Indian ancestry as well as white in the far northern part of the province.

The Fish Marketing Service and Saskatchewan Government Trading, two Crown Corporations, were started in 1948 expressly for the purpose of raising the income and improving the standards of living of the 16,000 people who live in the top half of the province. Both enterprises are successful businesses. The Fish Marketing Service handled more than half the total fish produced and the turnover last year was \$1,200,000.00 and Government Trading's six stores had a volume in the same period of \$600,000.00.

To overcome paternalism and to promote the involvement and participation of the indigenous people, the Government decided to transfer these Crown Corporations to co-operatives. The process had been encouraged from the beginning, particularly in fish where eight local co-operatives were organized over the past few years.

Board of Directors

To assist in assuring the success of this undertaking, the Government asked the advice and assistance of some of the most outstanding leaders in the Co-operative Movement. These men were appointed to the Board of Directors which also included producer representation. The organization was

* Indian Rural Credit Survey 1954—p. 372.

** Report to the General Assembly of the United Nations on the Administration of the Territory of New Guinea 1957.

given a co-operative form, established by Act of the Legislature, enacted in the spring of 1959. The legislation provides a co-operative structure based on the four basic principles of co-operatives.

1. Open membership.
2. Democratic control—one member—one vote.
3. Limited interest on capital.
4. Refund of earnings in proportion to patronage.

The total assets of these Crown Corporations were turned over to the co-operative board for \$500,000.00 and included in the repayment arrangements were provisions for matching grants as an incentive for the amortization of the indebtedness.

To safeguard the Government investment, three members of the Board of nine are Government personnel and provision is made for the gradual withdrawal of present members to be replaced by the producers of the north. It is expected the transfer to ownership and control by the people will take approximately five years.

The entire scheme of aided self help in Northern Saskatchewan is an attempt to overcome the effects of paternalism by providing government finances and guidance and encouraging the maximum involvement and participation of the people themselves in the management of their own economic affairs. It is designed also to promote and foster among the indigenous population an understanding of and competence in the operation of democratically elected representative institutions. It is a process of self-education, self-direction and self-expression.

It should be mentioned that the transfer of Crown Corporations into co-operatives in Northern Saskatchewan is part of a community development programme. The Centre for Community Studies at the University has undertaken training programmes for government personnel in community development, and a start has been made at the village level to adopt procedures used in successful programmes in other parts of the world.

Conclusion

The Canadian Government has developed programmes of assistance and education for our new citizens who have recently arrived in our own country. New housing development has been constructed to accommodate them. We are contributing \$50,000,000.00 to \$75,000,000.00 a year to assist the under-developed countries. We would appear ridiculous in the eyes of the world if we did not initiate a national plan to help Canada's first citizens to attain the same standards enjoyed by other Canadians.

Public opinion is strongly in favour of a programme for Indians and is becoming more sensitive of the problems of a people reared in one pattern of living who must adjust to another. Continual social research and public education is needed. A re-orientation of staff who still relate to the Indian as an inferior is the *sine qua non* of success. The co-operative movement is playing an important role in helping the poor and oppressed of many countries and can make a significant contribution to helping the Indian find his place in our society.

RESOLUTIONS PASSED AT THE 1959 PROVINCIAL CONFERENCE
INDIAN CHIEFS AND COUNCILLORS1. *Administration*

WHEREAS under Section 3 of the Indian Act the Minister of Citizenship and Immigration may delegate his authority to the Deputy Minister or the Chief Officer in charge of the Indian Affairs Branch and

WHEREAS the effect of such delegation of authority is to set up three heads of the Indian Affairs Branch to increase the government of Indian Affairs by regulation.

BE IT THEREFORE RESOLVED that said Section 3 of the Act be amended to withdraw the delegation of authority to the Chief Officer in charge of the Indian Affairs Branch and that any delegation of the Minister's powers be restricted to the Deputy Minister.

2. *Land Exchange*

WHEREAS many Indian Reserves are agriculturally incapable of supporting all the residents thereof and

WHEREAS it is desirable that reserves contain farm land, hay, wood and fish

BE IT THEREFORE RESOLVED that provision be made in the Act for the exchange of sub-marginal reserve lands for productive lands.

3. *Constitution of a Reserve Council*

WHEREAS it is desirable for a Chief to have an opportunity to demonstrate his ability and

WHEREAS the Chief should have every opportunity of learning to administer the affairs of the Reserve and

WHEREAS the present term of office of two years for a Chief is too short

BE IT THEREFORE RESOLVED that section 77(1) of the Act relating to the tenure of office of a Chief be amended to read three years instead of two years.

4. *Councillors*

WHEREAS it is desirable to have continuity on the council of a reserve and

WHEREAS AT THE PRESENT TIME THE TENURE OF OFFICE FOR A COUNCILLOR IS TWO YEARS AND

WHEREAS it is desirable to have area representation

BE IT THEREFORE ENACTED that the councillors elected for the odd-numbered divisions at the election first held shall hold office for one year and the councillors elected for the even-numbered divisions for two years respectively.

5. *Declaration of Office*

WHEREAS it is desirable that every member of the council and every officer of the reserve shall take a declaration of office before entering upon the duties of his office

BE IT THEREFORE ENACTED that every member of the council and every officer shall subscribe to a declaration of office to the following effect:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (inserting the name of the office) to which I have been elected (or appointed *as the case may be*) in this reserve.

6. *Incorporation and Land Titles*

WHEREAS Indians have never surrendered their reserve lands and

WHEREAS under the present Indian Act "reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a "band" and

WHEREAS the Indians are desirous of having the title to their lands in the names of their Reserves

BE IT THEREFORE RESOLVED that all Indian reserves be incorporated and that title to the said reserve lands issue in the form of Letters Patent in the name of the said incorporated reserves.

7. *Remuneration for Chiefs*

WHEREAS a Chief spends the majority of his time active in the affairs of his reserve and

WHEREAS he has family obligations and the need of his own personal welfare requires remuneration suitable to his station in life and

WHEREAS the present remuneration of \$25.00 is deplorably low

BE IT THEREFORE RESOLVED that a Chief shall be paid by the Minister at least the sum of \$350.00 per month and a further sum of \$500 per annum for his annual expenses and that the Chief be furnished with a tailored suit and hat duly decorated with brass buttons and gold braid—or if the Chief chooses, with a business suit and hat within six weeks of his appointment.

8. *Assistant Agents*

WHEREAS at the present time there is an assistant agent on various reserves and

WHEREAS it is desirable that the council of a reserve exercise its freedom and independence

BE IT THEREFORE RESOLVED that all assistant agents be removed from the said reserves.

9. *Powers and Duties of Councils*

WHEREAS the authority of Indian councils under the present Act is very restricted and

WHEREAS the said authority may not be inconsistent with the Indian Act or with any regulation made by the Governor in Council or the Minister and

WHEREAS the effect of section 80 of the Indian Act which confers power on the councils is to require at all times the permission of the Indian Affairs Branch before any important or minor step can be taken by the said councils

BE IT THEREFORE RESOLVED that the power of the said Council shall include the power to make laws for the peace, order and good government of the reserve and in addition to the powers presently conferred by the said Act, there be added the power to make bylaws:

- (1) to purchase, lease, or otherwise acquire for the use of the reserve any estate in landed property, within or without the reserve for any purpose whatsoever and
- (2) to unite with the councils of other reserves, cities, towns, villages, or municipalities for the construction or maintenance of any public work, or for the performance of any matter or thing deemed by

all councils concerned to be of benefit to their respective municipalities, and to enter into an agreement as to the joint control and management of any undertaking that concerns their respective municipalities.

10. *Integrated School System*

WHEREAS the integrated school program of Indians and non-Indians is having very beneficial results and

WHEREAS it is desirable that the said program be extended and accelerated

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be commended in the adoption of such a program and that they be asked to extend and accelerate it as much as possible.

11. *Written Agreements*

WHEREAS there is great value for Indian children to be educated in the same school as white children and

WHEREAS the responsibility in matters of education, according to the treaties, lies with the Indian Affairs Branch and continues to be the responsibility of the Indian Affairs Branch even when the Indian children attend public schools and

WHEREAS there can arise serious misunderstanding when agreements are made between local school boards, the Indian Affairs Branch, the Department of Education and Indian Bands when agreements are made to provide integrated schooling

BE IT THEREFORE RESOLVED that the F.S.I., urge all Indian Councils to insist upon written agreements involving the four parties mentioned above before allowing their children to attend public schools.

12. *School Buses*

WHEREAS at the present time buses used for the transportation of Indian children to school vary from open trucks to more elaborate and suitable vehicles and

WHEREAS the children of some reserves must spend hours each day on the road due to an insufficient number of buses

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be requested to make every effort to hire proper school buses and a sufficient number thereof.

13. *Indian Adult Education*

WHEREAS the Adult Education Division of the Provincial Government is presently sponsoring evening classes for adults in communities throughout Saskatchewan and

WHEREAS there is not now any organized adult education for reserve Indians, and

WHEREAS such practical courses as basic reading and writing, sewing, cooking, welding, motor mechanics, agriculture, etc., are of vital interest to Indian adults

BE IT THEREFORE RESOLVED that:

(1) The F.S.I. request the Adult Education Division to offer an experimental series of such programmes and to situate such courses on reserves or at a point accessible to several reservations.

(2) That the F.S.I., request the Indian Affairs Branch to share costs in this pilot scheme in Indian Adult Education.

14. Vocational Training

WHEREAS it is compulsory for our Indian children to attend school until age 16 and

WHEREAS if our young people were properly equipped with skills enabling them to find profitable employment, the number of our Indian people dependent on various forms of social assistance would be sharply reduced, and

WHEREAS many of our youths, nowadays, for want of something better to do, drift into troublesome ways and become a burden to the community and the government and

WHEREAS, given the right kind of training in their formative years, our youth could become self-sufficient citizens leading useful lives in our society

BE IT THEREFORE RESOLVED that the Federation of Saskatchewan Indians request the Federal Government to take immediate steps to implement a vocational training program to be developed with regard to the economic situation faced by the young Indian.

15. Home and School Associations

WHEREAS it would be greatly desirable for parents and teachers to meet frequently to discuss the progress of the children in school and

WHEREAS Indian parents are interested in learning how the school is operated and how their children are taught

BE IT THEREFORE RESOLVED that the Federation of Saskatchewan Indians request the Saskatchewan Federation of Home and School Associations to organize Home and School on as many reserves as possible.

BE IT ALSO RESOLVED that the Indian Affairs Branch be urged to give all its support and assistance to the formation of such organizations and

BE IT ALSO RESOLVED that each band council take the initiative in interesting the parents in the value of those associations and in contacting the Saskatchewan Federation of Home and School Associations with request for organizational help.

16. Prizes for Pupils

WHEREAS it is desirable that pupils maintain their interest in their studies and

WHEREAS there is no incentive for them to maintain their interest

BE IT THEREFORE RESOLVED that prizes be provided to encourage competition and interest among them.

17. Indians' Who's Who

WHEREAS there are many successful Indian businessmen and University graduates and

WHEREAS it is desirable to furnish a goal for Indian Children and to inform them of the need for a good education, and whenever Indians desire other information to be included in the booklet such as treaties, the things they are expected to meet outside the reserve such as employment, taxes, housing and hospitalization

BE IT THEREFORE RESOLVED that a booklet be compiled containing information, among other things about such Indians and their accomplishments, treaties, etc., and that the said booklets be distributed to Indians.

18. Notification of Services

WHEREAS many Indians are not aware of the services provided by certain officers of the Indian Affairs Branch, namely the Superintendent of Education and the Placement Officer and

WHEREAS it is desirable to acquaint all bands with such services

BE IT THEREFORE RESOLVED that such personnel meet the bands and fully acquaint them with the services they have to offer.

19. Indian Health Services

WHEREAS Indian Health Services are not administered pursuant to any enactment and

WHEREAS as a result there is no definitive policy and

WHEREAS it is desirable for the personnel of Indian Health Services to know the boundaries of the policy which they are expected to administer and

WHEREAS it is desirable to the Indians to know the medical services which are available to them

BE IT THEREFORE RESOLVED that Parliament be asked to enact a statute relating to Indian Health Services.

20. Hospitalization Cards

WHEREAS hospitalization cards are presently issued to Indians and

WHEREAS such issuance implies that Indians may at some future time be required to pay the tax

BE IT THEREFORE RESOLVED that Indian Health Services be requested to substitute Indian identification cards for the said hospitalization cards.

21. Federal-Provincial Conference

WHEREAS INDIAN HEALTH SERVICES and other services affecting Indians have become matters of jurisdictional and constitutional dispute between Federal and Provincial authorities

AND WHEREAS it is desirable that a greater degree of co-operation on all matters affecting Indians be exercised between the Federal and Provincial Governments

THEREFORE BE IT RESOLVED that a Dominion-Provincial Conference be held when Provincial Governments are submitting their Briefs on Indian Affairs and that Representatives of Indians be present and that Senator Gladstone use his good office to arrange such a conference.

22. Social Aid

WHEREAS band funds are presently being spent on social aid and

WHEREAS band funds should be used for the general benefit of the whole reserve and

WHEREAS the cost of social aid can be very expensive

BE IT THEREFORE RESOLVED that the Federal Government be requested to meet the cost of social aid.

23. *Allocation of Welfare Housing*

WHEREAS welfare houses are presently allocated by the Indian Affairs Branch and

WHEREAS it is desirable to have the band councils allocate the said houses

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be requested to transfer to band councils the authority to allocate welfare houses.

24. *Power and Telephone Lines*

WHEREAS there are no power or telephone lines on Indian Reserves which can be used by the residents and

WHEREAS there is usually a telephone line to the school or to the Assistant Agent's residence on a reserve and

WHEREAS there are certain agreements between the Indian Affairs Branch and the Province of Saskatchewan relating to other subject matter

1. To provincial government

BE IT THEREFORE RESOLVED that the Government of the Province of Saskatchewan be requested to extend power and telephone services on to reserves

2. To federal government

BE IT THEREFORE RESOLVED that the Indian Affairs Branch make arrangements with the Government of the Province of Saskatchewan to extend to Indian reserves power and telephone service.

25. *Road Construction and Maintenance*

WHEREAS there are no good market roads on Indian reserves and

WHEREAS the construction of such roads cannot be undertaken privately because of the high cost thereof and

WHEREAS the cost of maintenance of roads and highways is also high and

WHEREAS grid roads are presently being constructed in the Province of Saskatchewan

(1) To Provincial Government:

BE IT THEREFORE RESOLVED that the Government of Saskatchewan be asked to enter into an arrangement with the Indian Affairs Branch for the construction of good market roads on Indian Reserves and for the maintenance thereof.

(2) To Federal Government:

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be asked to enter into an arrangement with the Government of the Province of Saskatchewan for the construction of good market roads on Indian Reserves and for the maintenance thereof.

26. *Commercial Fishing*

WHEREAS the majority of commercial fishing is carried on by Indians in Northern Saskatchewan and

WHEREAS there is a need for a cost sharing program with respect to commercial fishing between the Province of Saskatchewan and the Federal Government similar to the agreements now in effect with respect to wild life

BE IT THEREFORE RESOLVED that the said Governments be requested to enter into a cost sharing agreement with respect to commercial fishing.

27. *Trading with Indians and the Sale or Barter of Produce*

WHEREAS it is desirable that Indians be as independent as possible and

WHEREAS the permit system takes away independence of judgment of the Indians and takes away initiative

BE IT THEREFORE RESOLVED that all sections of the Act relating to permits be repealed.

28. *Wills and Descent of Property (Sections 42 to 50)*

WHEREAS all jurisdiction and authority in relation to matters and causes testamentary with respect to deceased Indians is vested exclusively in the Minister and

WHEREAS all such authority is vested in the Surrogate Courts of the Provinces in the case of non-Indians and

WHEREAS the present sections deny the use of the Surrogate Courts of the land to Indians

BE IT THEREFORE RESOLVED that all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indian, be vested exclusively in the Surrogate Courts, and that sections 42 to 50 of the Act be repealed.

29. *Treaty Money Section 71*

WHEREAS the Treaties provide for an annual payment of five dollars per capita and

WHEREAS the purchasing power of the said five dollars has decreased steadily since the signing of the said treaties and

WHEREAS it is desirable to maintain a fair and reasonable interpretation of the said treaties and

WHEREAS the purchasing power of the dollar in 1874 was 3½ times the purchasing power of the dollar today and

WHEREAS the method of personal payment presently in effect is cumbersome and time-consuming

BE IT THEREFORE RESOLVED that the treaty payments be increased to \$17.00 per capita so as to coincide with the purchasing power of the dollar at the time of the signing of the treaties and that the said moneys be mailed by cheque.

30. *Grain Storage and Immediate purchase*

WHEREAS cash advances are unsuitable to Indians engaged in grain farming and

WHEREAS the lack of suitable grain storage facilities is a formidable obstacle which causes serious losses and

WHEREAS the inability to immediately market grain causes great economic hardships which can be very discouraging

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be asked to store the said grain immediately upon the harvest thereof, and to purchase it at a reasonable price to eventually reimburse the grower thereof for the difference in the said purchase price and the eventual selling price.

31. *Cattle Brands*

WHEREAS all Indians use the one 'brand' for their cattle, namely the "I.D." brand and

WHEREAS it is desirable to have individual registered brands

BE IT THEREFORE RESOLVED that all Indians be permitted to use registered brands.

32. *Farming Loans*

WHEREAS there is a great need for long-term loans and

WHEREAS the cost of power machinery is very high

BE IT THEREFORE RESOLVED that the Federal Government be requested to provide for long term and larger farm loans.

33. *Leases*

WHEREAS two hundred and four thousand acres of Indian lands in Saskatchewan are presently under lease to non-Indians and

WHEREAS it is desirable that all the full one million two hundred thousand acres of Indian lands in Saskatchewan be available for the sole benefit of band members

BE IT THEREFORE RESOLVED that the leasing of Indian lands to non-Indians be discouraged as much as possible and the said lands be made available to the said band members.

34. *Veterans' Affairs*

WHEREAS there are many Indian veterans and

WHEREAS many of the said veterans, particularly in Northern Saskatchewan, have difficulty in getting proper attention to their problems

BE IT THEREFORE RESOLVED that the Federal Government be requested to appoint an Indian veteran to the Veterans' Affairs Department to administer to the needs of Indian Veterans and their families.

35. *Indian Administration*

WHEREAS Indian Affairs in Canada were at one time administered by a separate department and

WHEREAS they are now under the control of a branch of another department and

WHEREAS it is desirable that Indian Affairs should have a more prominent place in the concern of the Government of Canada

BE IT RESOLVED that this Conference petition the Government of Canada to establish a Department of Indian Affairs.

36. *Indian Representation in Parliament*

WHEREAS Indians are not now represented in the House of Commons and
WHEREAS it is unjust for the natives of Canada not to be represented
and

WHEREAS the said Indians are a minority group and should certainly
be represented

BE IT THEREFORE RESOLVED that Parliament be asked to provide
for representation of Indians in the House of Commons by Indian members
to be elected on the basis of proportional representation by provinces.

37. *Social Research*

BE IT RESOLVED that this Conference request the Federal Government
to set up a social research into Indian Affairs in Saskatchewan and that this
research be continuous in order to assess the extent to which its recommenda-
tions have been put into operation.

38. *Resolution to United Nations*

WHEREAS the Indians of Canada have for many years posed a serious
problem to the Canadian Government and

WHEREAS the said Indians constitute a minority group and

WHEREAS a new approach to the Canadian Indian may be gained by
seeking the aid of an international body experienced in minority group
problems

BE IT THEREFORE RESOLVED that the United Nations Economic and
Social Council through its Commission on Human Rights and its Sub-
Commission on Prevention of Discrimination and Protection of Minorities be
requested to investigate and assist the Government of Canada in resolving
her Indian problem.

BE IT THEREFORE RESOLVED that the Government of Canada be asked
to seek the aid of the United Nations Economic and Social Council through
its Commission on Human Rights and its Sub-Commission on Prevention of
Discrimination and Protection of Minorities in resolving her Indian problem.

39. *Conferences*

WHEREAS there was a National Superintendents' Conference at Banff
on September 14, 1959, and

WHEREAS no Indians were invited to the said Conference and

WHEREAS it is desirable to provide mutual understanding between the
officials of the Indian Affairs Branch and the Indians

BE IT THEREFORE RESOLVED that the Indian Affairs Branch be re-
quested to invite Indians to participate at all future Conferences of the said
Superintendents.

40. *Registration of Indians*

WHEREAS the present method of Registration of Indians is deemed to
be unsatisfactory by reason of the allowance of protests and

WHEREAS protests create hard feelings and cause great hardships to the
parties concerned

BE IT THEREFORE RESOLVED that the sections providing for protesta-
tion of Indians on the band lists and the general lists be repealed except for
the protestation of illegitimate children.

SURVEY TAKEN AT 1959 CONFERENCE OF CHIEFS
AND COUNCILLORS

21 Reserves—Total Population, June 30, 1959—8,400

		Number of Reserves with none at all	
1.	Telephones	None	21
	Radios	276	4
	Cars	97	5
	Trucks	81	5
	Combines (5 on 1 res.)	12	14
	Electricity	5	19
	Running water	None	22
	Indoor toilets	3	20
2.	(a) Families in tents in winter ...	4	19
	(b) Families in frame houses	285	3
	(In two reserves all lived in in frame houses)		
	(c) Families in log houses	345	1
3.	(a) Self-employed farmers	102	7
	one ans: few		
	(b) Men employed by other farms	42	12
	(c) Men employed as temporary seasonal farm help	142	5
	(d) Children 6-16 not in school ..	12	15
	(e) Drop-outs from High school ..	26	12
	(f) Reasons:		
	No clothes		
	No finances		
	Lack of interest		
	Sickness		
	Home sickness		
	Couldn't adjust themselves		
5.	Have you encountered racial prejudice in the past 2 years ..	Yes 4	No 17
	Places of prejudice—in towns.		
6.	What is the Indian problem? Lack of education and job op- portunity.		
7.	Do you like the white way of life?	Yes 10	No None
	One would like to know the cunning ways of white man.		No answer 5

MODEL INDIAN ACT

1. This Act may be cited as The Indian Act.

2. In this Act:

Interpreta-
tion

(1) "band" means a body of Indians;

"band"

(2) "chief" means the chief of a reserve;

"chief"

(3) "child" includes a legally adopted child;

"child"

(4) "council" means the council of a reserve;

"council"

(5) "councillor" means a member of the council of a reserve other than the chief;

"councillor"

(6) "division" means a division of a reserve;

"division"

(7) "elector" means any person whose name appears on the reserve voters' list;

"elector"

(8) "judge" means a judge of the district or county court of the judicial centre nearest to which a reserve is situated; and "court" or "district county court" means the said district or county court;

"judge"

(9) "land" or "property" include lands, tenements and hereditaments and any estate or interest therein;

"land" or
"property"

(10) "minister" means the Minister of Citizenship and Immigration;

"minister"

(11) "reserve" means a tract of land, the legal title to which is vested in the band of the reserve;

"reserve"

(12) "reserve voters' list" means the voters' list of a reserve or of any division thereof as finally revised;

"reserve
voters' list"

(13) "secretary-treasurer" means the secretary treasurer of a reserve.

"secretary
treasurer"

Administration.

3.—(1) This Act shall be administered by the Minister of Citizenship and Immigration, who shall be the Superintendent General of Indian Affairs.

Minister to
administer
Act

(2) The minister may authorize the Deputy Minister of Citizenship and Immigration to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian Affairs.

4. Where power to make bylaws, regulations, rules or orders is conferred, it includes the power to alter or revoke the same from time to time and to make others.

Power to
alter or
revoke
bylaws

5. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had, if it appears that such date was fixed having regard to an earlier date on or by which certain other things are to be done or proceedings had, then notwithstanding anything herein contained if default is made in respect of the earlier date a like delay shall be allowed in respect of the later date.

Extension
of time

Extension
of time by
order of
minister

6.—(1) If anything required by or under this Act to be done at or within a fixed time cannot be or is not so done, the minister may by order from time to time appoint a further or other time for doing the same, whether the time within which the same ought to have been done has or has not expired.

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

PART I.

Reserve Organization.

Area and Boundaries of Reserves.

Map of muni-
cipalities

7. The minister shall prepare a map of the province, on which shall be outlined from time to time areas which may be hereafter organized as reserves and such map shall at all reasonable hours be open to inspection.

Electoral Divisions of Reserves.

Divisions.

8.—(1) Subject to subsection (2) every reserve prior to its organization shall be divided by the minister into electoral divisions and every division shall be assigned a number.

(2) Where the majority of the electors of a reserve who were present and voted at a special meeting held and called for the purpose do not desire to have the reserve divided into electoral divisions and reports to the minister accordingly, the Governor in Council may order that the reserve shall for voting purposes consist of one electoral division.

Organization of a Reserve

Organization

9.—(1) The Governor in Council may by order constitute any area a reserve and assign a name and number to any reserve and may by order constitute any new area a reserve.

(2) Notice of the organization of a reserve, giving its name and number and a description of its boundaries and the boundaries of its several divisions, shall be published in The Canada Gazette.

PART II.

Reserve Council.

Constitution of Council.

Constitution

10. The powers of every reserve shall be exercisable by the council thereof.

Exercise of
powers

11.—(1) The council of every reserve shall consist of a chief who shall be head thereof, and one councillor for each division.

(2) The chief shall hold office for three years and each councillor shall, save as hereinafter provided, hold office for two years.

(3) The councillors elected for the odd-numbered divisions at the election first held after the organization of the reserve shall hold office for one year and the councillors elected for the even-numbered divisions for two years, respectively.

(4) The council of a reserve in respect of which an order has been made under Sec. 8, sub section (2) shall consist of one chief and one councillor for every one hundred members of the band, but the number of councillors shall not be less than two more than twelve and no reserve shall have more than one chief.

(5) The councillors elected in a reserve consisting of one electoral division at the first election held shall be assigned a number by the minister and the councillors having the odd numbers shall hold office for one year and the councillors having the even numbers for two years respectively.

Declaration of Office.

12.—(1) Every member of the council and every officer of the reserve shall, before entering upon the duties of his office, make and subscribe a declaration of office to the following effect. Form of declaration of office.

I, A.B., do solemnly promise and declare:

1. That I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (*inserting the name of the office*) to which I have been elected (*or appointed, as the case may be*) in this reserve.

Reserve a Corporation.

13. Every reserve is hereby declared a body corporate under the name of "The Indian Reserve of (*naming the same*) No ". Reserve a body corporate

Change of Name

14.—(1) The minister may from time to time alter the name of a reserve upon the petition of the council and notice of such alteration shall be published in the Gazette. Change of name

(2) When the name of a reserve is changed the seal theretofore used by the reserve shall continue to be the seal thereof until changed by the council.

15. No change in the name of a reserve made in accordance with the provisions of section 13 shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change. Effect of change.

Meetings of Council.

16.—(1) The first meeting of each council shall be held on or before the tenth day of January, and the council of the previous year shall hold office until the new council meets; First meeting

Provided that the first council elected shall hold office from the date of the election.

(2) The meeting shall be held at an hour and place to be fixed by the secretary, and written notice thereof shall be given by the secretary to each member of the council by mailing the same to his

address at least eight clear days prior to the date of the meeting, or by delivering it to each member of the council personally, or, in the absence from his residence of any member of the council, to an adult person thereat, at least three clear days prior to the date of the meeting.

Regular meetings.

17.—(1) The council may at any meeting at which all the members are present decide by resolution to hold regular meetings.

(2) The resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

Special meetings

18.—(1) A special meeting of the council shall be called by the secretary when he is required to do so in writing by the chief or by any three members, and written notice, stating the time when and the place where the meeting is to be held and in general terms the nature of the business to be transacted thereat, shall be given by the secretary in the manner provided by section 16.

(2) No business other than that stated in the notice shall be transacted at the meeting unless all the members of the council are present, in which case by unanimous consent any other business may be transacted.

Waiver of notice of meeting

19. The council may by unanimous consent waive notice of any first, special or other meeting and hold a meeting at any time, but every member of the council shall be present at such meeting.

Place of meeting

20. Every meeting of the council shall be held either in the reserve or in a city, town or village the area of which touches at some point the limits of the reserve:

Provided that by the unanimous consent of the council its meetings may be held at any point outside the reserve.

Proceedings at Meetings.

Regulations

21. Every council may make rules and regulations not contrary to law for governing its proceedings, calling meetings, the conduct of its members, appointing committees and generally for the transaction of its business.

Quorum

22. A majority of the council shall be necessary to form a quorum, and no business shall be transacted unless there is a quorum.

Chief to preside

23. The chief shall preside at every meeting of the council and he shall preserve order and enforce the rules.

Deputy chief

24. The council shall, at its first meeting and every three months thereafter, elect one of its members as deputy chief who shall hold office for three months or until his successor is appointed, and if the chief through illness, absence or any other cause is unable to perform the duties of his office, or if the office is vacant, the deputy chief shall have all the powers of the chief:

Provided that the council may at its first meeting, by unanimous consent, elect one of its members as deputy chief to hold office for the whole year, and if the office of deputy chief becomes vacant by death, resignation or otherwise the council shall elect another of its members to fill the vacancy.

Chairman to preside

25. In the absence of the chief and deputy chief from a meeting, another member of the council shall be elected as chairman to preside at the meeting.

26. No act or proceeding of a council which is not adopted at a regular or special meeting shall have any effect. No act valid unless adopted at regular meeting
27. Every question shall be submitted to the council on the motion of the chief or any other member, and no seconder shall be required. Motions need not be seconded
28. (1) At every meeting of the council all questions shall be decided by a majority of votes Question decided by majority
- (2) The chief, deputy chief or chairman of the council, as the case may be, shall have the right to vote, but in the case of an equality of votes the question shall be decided in the negative.
29. The chief when present and all the councillors present shall vote in council on every division. Members of council must vote
30. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct; and the person presiding may cause to be expelled and excluded any person who is guilty of improper conduct at a meeting. Meetings are open

Chief

31. (1) The chief shall be the chief executive officer of the reserve, and it shall be his duty to be vigilant and active in causing the laws governing the reserve to be duly executed, to inspect the conduct of all reserve officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council all such information and recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the reserve. Duties
- (2) The chief shall be paid by the minister the sum of \$350 per month and shall receive the sum of \$500 for his annual expenses. Remuneration of chief
- (3) The chief shall be furnished with a tailored suit and hat duly decorated with brass buttons and gold braid or, if he chooses, with a business suit and hat within six weeks of his appointment.
32. (1) The chief may suspend any reserve officer, and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer. Power of suspension
- (2) In case he is dismissed, such officer shall receive no salary or remuneration from the date of suspension.
33. The chief may, by writing under his hand, appoint one or more special constables for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of a special constable shall cease if his appointment is not confirmed at the next regular meeting of the council. Appointment of special constables
34. (1) If so requested at any time by the written petition of twenty electors, the chief shall, by public notice conspicuously posted in at least ten widely separated places in the reserve, call a public meeting of the electors for the discussion of reserve affairs or any matter relating thereto. Public meeting
- (2) The chief may, when authorized by resolution of the council, call a public meeting of the electors for the discussion of any reserve matter.

Committees

35. (1) The council may appoint standing or special committees consisting of one or more of its members and may delegate to such committees any matter for consideration, inquiry, management or regulation and it may also delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council, except the power to borrow money, pass a bylaw or enter into a contract.

(2) Every committee to which any duty or power is so delegated may exercise or perform the same in like manner and with the same effect as the council.

(3) Every such committee shall be subject in all things to the council, and shall carry out all directions given to it by the council.

Vacancies

Resignation

36. (1) Any chief or councillor wishing to resign his seat in the council may do so at any time by sending notice in writing of such resignation to the secretary, and the resignation shall take effect and the seat shall become vacant upon receipt of the notice by the secretary, unless the notice specifies a future date on which it is to take effect, in which case it shall take effect upon that date.

(2) Every such notice shall be brought to the attention of the council at its next meeting, and immediate steps shall be taken by the council to fill the vacancy.

Declaration of vacancy

37. If after the election of any person as a member of the council he is convicted of an offence punishable with death or imprisonment, or makes an assignment for the general benefit of his creditors, or if a receiving order is made against him under the Bankruptcy Act (Canada), or if he absents himself from the meetings of the council for three consecutive months without being authorized by a resolution of the council to so do, the seat of such person in the council shall become vacant, and the council shall forthwith so declare it.

Vacancy

38. (1) Subject to subsection (2), if a seat in the council becomes vacant by death, resignation or otherwise, the council shall forthwith appoint a returning officer to hold an election to fill the vacancy for the remainder of the term, and such election shall be held as nearly as may be in the manner provided by this Act for other elections.

(2) If the vacancy occurs on or after the first day of September the council may in its discretion proceed to fill the vacancy; provided that, if the council takes no action in the case of a vacancy so occurring in any year other than the year in which the term of office expires and notice of the vacancy is received by the secretary not less than ten days prior to the day of nomination, the returning officer shall take the necessary steps to have the vacancy filled at the annual elections.

(3) Where a person is elected at the annual elections to fill a vacancy caused by the death, resignation or otherwise of a councillor whose term would have expired at the end of the then current year, the person so elected shall continue to be a member of the council for the ensuing two years.

(4) If the number of members of the council is reduced by resignation or otherwise below the number required to constitute a quorum, the minister may appoint a returning officer and fix a date for an election to fill the vacancies.

Appointed Councillors

39. If the electors of a reserve neglect or refuse to elect a chief, or if the electors of any division of a reserve neglect or refuse to elect a councillor, the minister may appoint some one to act as chief or councillor as the case may require.

Minister
may appoint
chief or
councillor

40.-(1) The Governor in Council may at any time appoint some person to act as chief or as councillor for one or more of the divisions of a reserve, or may appoint some person or persons to act as chief and councillors for all the divisions of the reserve.

Governor in
Council may
appoint
whole
council

(2) Every person so appointed shall have all the powers and authorities conferred by this Act upon the elected members of the council and shall be remunerated by the minister.

(3) Upon the appointment of anyone so to act, previously elected members of the council in whose stead the appointment is made shall cease to hold office.

(4) When one person has been appointed to act as chief and councillors of a reserve, the same person may be appointed to act as secretary treasurer.

PART III

Reserve Elections.

First Election for Chief and Councillors.

41.-(1) The minister shall appoint a returning officer for the first election in a reserve, and such appointment may be made at any time after the date of the order constituting the reserve and before such order takes effect.

Returning
Officer

(2) The returning officer shall at least three weeks prior to the fourth Monday of October in the same year:

- (a) fix a place for the nominating meeting;
- (b) fix a polling place in each division;
- (c) appoint a deputy returning officer for each polling place.

(3) The chief and councillors elected at a first election shall take office on the first day of January next following their election.

42. The following fees and expenses and no other shall be allowed to the several officers mentioned respectively for their services and disbursements at the first election of a chief and council:

Fees

To Returning Officers

- 1. When no poll is held, \$20;
- 2. When a poll is held, \$35;
- 3. For necessary printing the actual reasonable cost;
- 4. For providing ballot boxes, the actual reasonable cost;

JOINT COMMITTEE

To Deputy Returning Officers

5. When a poll is held, \$5;
6. For providing polling booth, the amount actually paid or agreed to be paid not exceeding \$5.

Interim
Secretary

43. Until such time as the secretary is appointed the returning officer at the first election for a chief and councillors shall have and exercise all the powers and duties of the secretary as provided by section 16 and sections 111 to 117 inclusive.

Voters'
list

44.-(1) The secretary of every reserve shall, on or before the first day of October in each year, prepare a list showing the name of every person of the full age of eighteen years resident within the reserve.

(2) Such list, which shall be in the form following, shall be arranged according to the divisions of the reserve and shall be known as "The Reserve Voters' List".

Voters' List of the Indian Reserve of

No. . Division No. . For the year .

Number on List	Name of Voter	Qualification of Voter	Elector

Particulars

45. In preparing the list for each division the secretary shall in accordance with the following subsections enter on the list, alphabetically according to surname, the names of all persons qualified to vote.

Secretary's
certificate

46. When the voters' list has been prepared the secretary shall, immediately after the last name on the list for each division, write the words "certified correct", followed by his signature and the date on which such certificate is made, which date shall not be later than the first day of October.

47.—(1) The secretary shall then forthwith make a true and correct copy of the list and post it in his office, and such copy or the original thereof shall be open to inspection by any person at all reasonable hours. List to be posted

(2) The secretary shall also cause a copy of the list for the division to be posted up in the post office, where there is a post office, in each division of the reserve which is nearest to the centre of the division, or, where there is no post office in the division, at the polling place of the division:

Provided that where there is a city, town or village in the division, it shall be sufficient to post up such copy in the post office of such city, town or village.

48.—(1) A person unlawfully taking down, covering up, mutilating, defacing or altering a voters' list is guilty of an offence and liable on summary conviction to a fine not exceeding \$100, and in default of payment to imprisonment for a term not exceeding six months. Interfering with voters' list.

(2) A copy of subsection (1) shall be written or printed upon the face of every voters' list.

49.—(1) If through inadvertence or otherwise any mistake, error, wrong entry or omission has been made in the original list or copy, the secretary shall, subject to subsection (2), upon being notified in writing of the mistake, error, wrong entry or omission, revise the list accordingly. Correction of list.

(2) No revision shall be made except for the purpose of correcting the spelling of names, unless the notification is received by the secretary at least seven clear days prior to the date fixed for the nomination meeting.

(3) Every revision of the original list or of the copy, by way of alteration, correction or addition, shall have placed opposite it the date of the revision and the initials of the secretary.

50.—(1) A secretary who

- (a) fails to prepare the voters' list as herein provided; or
- (b) fails to enter on the list the name of any person whom he knows to be entitled to have his name placed on he list; or
- (c) fails to enter on the list any other particulars as provided herein; or
- (d) enters on the list the names of any person who is not qualified; or
- (e) fails to revise the list in any particular as herein provided;

Penalties for offences in preparation of list.

is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

(2) The provisions of this section apply to the preparation of any copy of the list which by this Act the secretary is required to prepare.

Annual Meeting

Notice of
meeting

51.—(1) The secretary shall at least one week prior to the fourth Monday of October in each year cause to be posted a notice of the annual meeting of the electors, in the following form:

Notice

Annual Meeting of Electors

Indian Reserve of

No.

Public notice is hereby given that a meeting of the electors of the Indian Reserve of No. , will be held (*description of place*) on Monday, the (*here fill in the date on which the fourth Monday of October falls*) day of October, 19 , at one o'clock p.m. (*mountain standard time*), for the purpose of receiving the statement mentioned in section 146 of the Indian Act and any matter relating thereto.

Dated the day of , 19 .

.....
Secretary-Treasurer.

(2) The notice shall be posted in at least two widely separated conspicuous places in each division of the reserve. If there is a post office in any division one of the notices shall be conspicuously posted therein and if there are two or more post offices in a division the notice shall be posted in each of them.

Annual Election

Annual
election

52. There shall be held annually in every reserve an election for councillors, and every three years for chief, which election shall be conducted at the time and in the manner hereinafter provided.

Qualification of Candidates

Qualifi-
cation

53.—(1) Subject to subsection (2) of this section and sections 54 to 56, every person, male or female, of the full age of twenty-one years, shall be eligible for nomination as chief or councillor who is a member of the band, an elector of the reserve and resides in the said reserve.

(2) No councillor shall be eligible for nomination or election as chief, except in the case of the annual election held in the last year of his term of office, unless he has, before ten o'clock a.m. of the day of nomination, filed his resignation as councillor with the secretary, which resignation in the case of an annual election shall take effect at midnight on the thirty-first day of December following the day of nomination or on an earlier date specified in the resignation.

Disquali-
fications

54.—(1) No secretary-treasurer, constable or other paid official of the reserve, no person who has by himself or his partner any interest in a contract with or on behalf of the reserve, or who is indebted to the reserve, and no person who has, within twelve months immediately preceding the date of election, made an assignment for the general benefit of creditors or against whom within that period, a receiving order has been made under the Bankruptcy Act (Canada), or who is an undischarged bankrupt, shall be qualified to be a member

of the council; and no person who has been convicted of an offence punishable with death or with imprisonment for five years or over shall be so qualified for a period of five years after he has completed his sentence.

(2) Notwithstanding the provisions of subsection (1), no person shall be disqualified to be a member of the council by reason of his having entered into an agreement with the reserve for the removal of snow from his land as part of a scheme for the removal of snow from reserve roads, in which scheme residents of the reserve other than in addition to members of the council are participating.

55. No person may be elected as a member of the council for more than one division of a reserve.

Member of council represents only one division

56. No person may be elected as a member of the council for a division and also as chief of the reserve.

Election as chief and councillor prohibited

57.—(1) In the case of all elections subsequent to the first election for a chief and councillors, the council shall by resolution at least three weeks prior to the fourth Monday of October in each year

Annual nomination meeting

- (a) name a place for holding the nomination meeting;
- (b) appoint a returning officer;
- (c) name one or more polling places for each division;
- (d) appoint a deputy returning officer for each polling place.

(2) Where after his appointment a returning officer or deputy returning officer dies or is unable to act, the chief shall appoint a person to act in his place, and the person so appointed shall have all the powers, perform all the duties and be subject to the same liabilities as the officer in whose place he is acting.

58.—(1) In addition to the polling places mentioned in section 57, the council may name a polling place within the boundaries of the reserve, hereinafter called the central polling place, where the electors of any division may vote irrespectively of their places of residence.

Central polling place

(2) An elector who desires to vote at the central polling place shall, at least six days before the day of polling, give notice in writing of his intention to do so to the secretary treasurer, stating therein the division in which he is qualified and in respect of which he desires to vote.

(3) An elector who gives such notice and votes at the central polling place shall be entitled to vote thereat at subsequent elections without giving any further notice of intention to do so.

(4) No person who fails to give such notice shall be allowed to vote at the central polling place.

(5) Where an elector who has given notice under subsection (2) desires to vote, at a subsequent election, in the division in which he is qualified he shall, at least six days before the day of polling, give notice in writing to the secretary treasurer of the withdrawal of the notice given under subsection (2).

(6) The provisions of this Part, so far as applicable and with the necessary modifications, apply to the proceedings at the central polling place before, during and after the poll, the powers and duties of the deputy returning officer and other election officials there

employed, the rights and privileges of electors, a recount of votes and offences and penalties.

Place of nomination

59. The place named for holding a nomination meeting shall be within the reserve, or within a city, town or village the area of which touches at some point the limits of the reserve.

Place of polling

60. The place named as a polling place for a division shall be within that division, or within a city, town or village the area of which touches at some point the limits of the division.

Hour of meeting

61. Every annual meeting called for the nomination of members of a council shall be held from two o'clock to three o'clock in the afternoon (mountain standard time) of the fourth Monday of October in each year.

Election Officials' Oath

Officials' oath

62. Every returning officer shall, before entering upon the duties of his office, take and subscribe an oath in the form following before a justice of the peace, notary public or a commissioner for oaths, and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election, shall, before entering upon their respective duties, take and subscribe the said oath before the returning officer or any person authorized to administer oaths within the province:

Form of Oath

Canada }
To Wit: }

I, _____ of _____, in the
Province of _____, (occupation) do swear that
I will at the election to be held in the Indian Reserve of

_____ No. _____ on the _____ day of
_____, 19____, truly, faithfully and impartially to
the best of my knowledge and ability, execute the office of (*insert here the name of the office*) to which I have been appointed in this reserve; and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.

Sworn before me at

in the Province of

this _____ day of _____, 19____.

.....
A.J.P., N.P., or Commissioner for Oaths.

63. (1) The returning officer shall, at least seven clear days prior to the day fixed for the nomination meeting, cause to be posted a notice of such meeting which shall be in the form following or to the like effect: Notice of nomination meeting

Notice for Nomination for Elections

Indian Reserve of

No.

Reserve Elections 19 .

Notice is hereby given that a meeting of the electors of the Indian Reserve of No. will be held at (description of place) on (day of week) the day of , 19 , from two o'clock to three o'clock in the afternoon (mountain standard time) for the purpose of nominating candidates for the offices of chief of the reserve, and a councillor for each of divisions numbers .

Given under my hand at

this

day of

, 19 .

.....
Returning Officer

(2) The notice shall be posted in at least two widely separated conspicuous places in each division of the reserve. If there is a post office in a division one of the notices shall be conspicuously posted therein, and if there are two or more post offices in a division the notices shall be conspicuously posted in each of them.

(3) The notice shall be published in at least one issue of a newspaper circulating in the reserve, not less than seven or more than fourteen days before the meeting.

Proceedings at Nomination Meeting

64. (1) At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as chief and councillors for the reserve, and the meeting shall remain open until three o'clock in the afternoon, mountain standard time. Nominations

(2) Upon receiving a nomination paper duly completed the returning officer shall in a conspicuous place in the premises post the name and address of the person nominated.

(3) If only one candidate is nominated to serve as chief the returning officer shall declare the candidate so nominated duly elected; and, if the number of persons nominated to serve as councillors for each division in which an election is being held does not exceed the number required to be elected, the returning officer shall declare the persons so nominated duly elected.

65. Every nomination for chief or councillor shall be in writing in the form following, and shall be signed in the case of chief by at Nomination in writing

least five electors of the reserve and in the case of councillors by at least two electors of the division:

Nomination Paper

We, the undersigned electors of the Indian Reserve of No. _____, hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of a chief for the said reserve (or a councillor for Division No. _____ of the said reserve, *as the case may be*).

Witness our hands this _____ day of _____, 19 _____.

.....
.....
Signature of Electors.

Candidate's Acceptance

Candidate's acceptance I, the said _____ named in the foregoing nomination, hereby state:

1. That I am of the full age of twenty-one years;
2. That I am an elector of the Indian Reserve of _____ No. _____, and reside in the said reserve of _____;
3. That I am not disqualified by reason of any of the provisions of sections 53 to 56 of the Indian Act;
4. That I will accept the office, if elected.

Signed in the presence of

.....
Signature of Witness

.....
Signature of Candidate.

Nomination accompanied by acceptance 66.—(1) No nomination shall be valid or accepted by the returning officer unless the nomination paper is duly completed and signed and is accompanied by the candidate's acceptance duly completed and signed.

(2) A person signing the candidate's acceptance who therein makes any false statement, is guilty of an offence and liable on summary conviction to a fine not exceeding \$50; and, if the person so convicted has been elected a member of the council, his seat shall forthwith become vacant and the council shall forthwith so declare it.

Place and date of poll 67. If more than the required number of persons are nominated for one or more divisions, the returning officer shall declare that a poll will be held and shall name the day, which shall be the day mentioned in subsection (1) of section 71, and the place within each division where the votes are to be polled, and also the time and place at which the result of the polling will be declared.

Custody and destruction of nomination papers 68. Forthwith after the close of the nomination meeting the returning officer shall deliver all completed nomination papers and candidates' acceptances in his possession to the secretary who shall retain them in his custody for a period of six months after the meeting and shall then destroy them in the presence of two witnesses.

69. A person nominated as candidate may withdraw within ^{Withdrawal} forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect, signed in the presence of two witnesses or of the returning officer.

70. If, by reason of such withdrawals, the number of candidates ^{Notice that} remaining in nomination for an office does not exceed the number ^{there will} required to be elected for that office, the polling for such office shall ^{be no poll} not take place, and the returning officer shall forthwith declare in the following form, and such notice shall be given in such divisions of the reserve as may be required in the manner provided by section 63.

Notice

Indian Reserve of No. Reserve
Elections 19.... Division No.

Whereas nominated for the office of
..... has withdrawn his candidature for the said
office, leaving the only candidate, I hereby
give notice that no voting for the said office will take place on
the day of (*date of polling*)

Given under my hand at this day of,
19.....

.....
Returning Officer

Time and Notice of Poll

71.—(1) When a poll is required to be taken for the election ^{Hours of} of a chief or councillor, it shall be held on the Wednesday of the ^{poll} week following that in which nomination was held.

(2) The poll shall be open from the hour of nine o'clock in the forenoon to five o'clock in the afternoon, mountain standard time, in each division of the reserve, when the election is of a chief, and in each division of the reserve in which the poll is required to be held for the election of a councillor.

72. The returning officer shall, within seventy-two hours after ^{Notice of} the nomination, cause a notice of the poll to be posted in the manner ^{poll} provided by subsection (2) of section 63, and every notice shall be in the following form:

Notice of Poll

Indian Reserve of No. Reserve
Elections 19.....

Public notice is hereby given that a poll has been granted for the election of a chief for the reserve and of a councillor for divisions No. (*as the case may be*) that the polling will take place on (*day of week*) the day of, 19...., from nine o'clock in the forenoon to five o'clock in the afternoon (mountain standard time) at (*specify polling places*), and that I will at (*describe the place*) on (*day of week*) the day of, 19...., at noon, sum up the votes and declare the result of the elections.

Given under my hand at this day of,
19.....

.....
Returning Officer

Preparation for Poll.

Poll clerk 73. If so authorized by the council, the returning officer and each deputy returning officer may appoint a poll clerk who, in the absence of the returning officer or deputy returning officer for any cause, shall have all the powers of the returning officer or deputy, as the case may be.

Ballot box 74. The returning officer shall procure for each division of the reserve a suitable ballot box to be made of durable material, and each box shall be provided with a lock and key and shall be so constructed that the ballots can be deposited therein and cannot be withdrawn unless the box is unlocked.

Ballot papers 75. The returning officer shall also cause to be printed or prepared a supply of ballots sufficient for the purposes of the election.

Printed or written 76. The ballot papers shall be either printed or written or partly printed and partly written, and separate ballots of different colours shall be provided for the election of chief and councillors.

Form for chief 77. The ballots for the election of a chief shall contain the names of the candidates duly nominated, arranged alphabetically in the order of their surnames, and shall be in the following form:

Chief	
Allen, Charles	
Brown, Mary	
Clark, Norman	

Form for councillor 78. The ballots for the election of councillor shall be prepared for each division of the reserve, shall contain the names of the candidates duly nominated for each division arranged alphabetically in the order of their surnames, and shall be in the following form:

COUNCILLORS:	DIVISION NO.
Bear, Sam	
Whitecalf, John	
Kingbird, Geo.	

Supplies for deputy returning officers 79. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballots, which have been prepared for use in the division for

which such deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballots.

80. The returning officer shall, before the opening of the polls, cause to be prepared such number of printed directions for the guidance of voters as he may deem sufficient, and such directions shall be printed in conspicuous characters and may be according to the following form: Directions
for voters

Directions for Guidance of Voters.

The voter will go into the compartment and with a pencil provided in the compartment place a cross (thus, X) on the right hand side opposite the name of the candidate for whom he votes, or at any other place within the division which contains the name of such candidate.

The voter will fold up the ballot paper so as to show the initials of the deputy returning officer signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver the ballot so folded to the deputy returning officer and forthwith leave the polling place.

If the voter inadvertently spoils the ballot, he may return it to the deputy returning officer, who will give him another.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot will be void and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot by which he may afterwards be identified, or if the ballot has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and not counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer, he will be liable on summary conviction to imprisonment for a term not exceeding six months with or without hard labour.

Proceedings at the Poll.

81. On the day fixed for the poll, the deputy returning officer shall be present at the polling booth in his division at least fifteen minutes before the time fixed for opening the poll. Deputy
returning
officer

82. Every polling booth shall be furnished with a compartment, which may be arranged by hanging a screen, in which the voters can mark their ballots without being seen, and it shall be the duty of the deputy returning officer to see that such compartment is provided. Voting
compartment

83. Every deputy returning officer shall before the opening of the poll cause to be posted on the outside of the entrance to the polling booth, as well as in the compartment in the polling booth, a copy of the directions referred to in section 80. Posting
directions

84. The secretary shall prior to every election furnish the returning officer with at least two copies of section 129 for each polling place for distribution to his deputies, and the deputy Secretary
furnishes
copies

returning officer shall post the same in conspicuous places at his polling place and see that they are kept so posted during the hours of polling.

Secretary
furnishes
copies of
voters'
list

85. Except in case of elections held prior to the completion of the first reserve voters' list, the secretary shall furnish to the returning officer for distribution to his deputies such number of copies of the voters' list as the returning officer may require.

Poll book

86. The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll, and the poll book shall be in the following form.

Poll Book

For Division No. _____ of the Indian Reserve of
No. _____. Record of Election held this _____ day of
_____, 19____, for the election of (state purpose of
election).

Name of Voter	No. on voter's list	Voted for		Sworn or refused to swear	Remarks
		Chief	Councillor		

Agents

87. Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at the polling place shall be recognized as such by the deputy returning officer, but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

Persons
present in
polling
booth

88. Subject to subsection (2) of section 100, the persons entitled to be present at any one time in a polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and the candidates for chief, any candidate for councillor and one voter.

Opening
of poll

89. At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated.

Persons
entitled
to vote

90.—(1) The persons entitled to vote for chief or councillor shall be the electors of the reserve.

(2) In the case of an annual or general election each elector shall be entitled to vote once only for chief and once for councillor

and shall vote in the division on the voters' list of which his name appears under the provisions of section 45, unless entitled to vote at a central polling place established under the provisions of section 58.

(3) The wife of an elector voting as such shall vote in the division in which her husband votes and the husband of an elector voting as such shall vote in the division in which his wife votes, unless entitled to vote at a central polling place established under the provisions of section 58.

(4) A person who votes in a division other than that in which he is entitled to vote is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$25.

Declaration of Electors.

91.—(1) In the case of every election held prior to the completion of the first reserve voters' list every person who presents himself for the purpose of voting shall be required, before he is handed a ballot, to sign a declaration in the form following, and the deputy returning officer shall permit every person who signs the declaration to vote and shall record in the poll book the name of each person who so signs.

Vote prior
to first
voters' list

Declaration of Electors.

Taken this day of , 19 . The undersigned severally declares each for him (her) self:

1. That he (she) is of the full age of eighteen years;
2. That he (she) is a member of the reserve.

(2) A person subscribing the declaration who therein makes a false statement is guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

92.—(1) In the case of every election held subsequently to the completion of the first voters' list, the deputy returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting or a name apparently intended for such person is on the list supplied to such deputy by the returning officer, and the deputy returning officer or poll clerk shall record in the poll book the name of each such person.

Voter's
name must
be on voters'
list

(2) Subject to sections 93 and 94, the deputy returning officer shall not permit any person to vote whose name does not appear on the list.

93. Notwithstanding anything hereinbefore contained, where the name of a person otherwise qualified to be an elector is not contained in the voters' list, he or she may obtain from the secretary treasurer a certificate that his or her name has not been entered on the voters' list and that he or she is entitled to vote, and may present the certificate to the deputy returning officer at the polling station in the division in which he or she is entitled to vote; and the deputy returning officer shall thereupon enter the name of such person in the poll book and shall allow such person to vote.

Name of
elector not
contained
in list

Oath of
voter whose
name is not
on voters'
list

94. Notwithstanding anything hereinbefore contained, where the name of any person does not appear on the voters list and such person is qualified to take an oath in one of the forms following and presents himself or herself to the deputy returning officer of the polling station in the division in which such person is entitled to vote, the deputy returning officer shall administer the oath, enter the name of such person in the poll book and allow such person to vote:

Form of Oath.

I, _____, of _____ in the
Province of _____, (occupation) do swear (or
solemnly affirm);

1. That I am of the full age of eighteen years; and
2. That I am a member of the reserve; and
3. That I am not otherwise a voter in the reserve. So help me
God.

Oath of
voter on
demand of
agent

95. If a candidate or his agent objects to the deputy returning officer allowing a person to vote, the deputy returning officer shall, before handing a ballot to such person, administer to him the following oath:

You swear (or solemnly affirm):

That you are of the full age of eighteen years; and

That you are _____ person named (or intended to be named)
by the name of _____ in the
reserve voters' list (or voter's certificate) now shown to you (show-
ing the list or certificate to the voter): or

That you have taken the oath in one of the forms provided in
section 94 of the Indian Act; and (in every case)

That you have not voted before in this reserve for councillor
(and if ballot for chief is asked for or for chief), at this election;

That you have not directly or indirectly received any reward
or gift, nor do you expect to receive any for the vote which you
tender at this election;

That you have not received anything nor has anything been
promised you directly or indirectly either to induce you to vote at
this election or for loss of time, travelling expenses, hire of teams
or any other service connected therewith;

That you have not directly or indirectly paid or promised
anything to any person either to induce him to vote or to refrain
from voting at this election. So help you God.

Entry of
oath in
poll book

96. If the voter takes the said oath or affirmation the deputy
returning officer or poll clerk shall enter opposite such person's name
in the proper column of the poll book the word "sworn" or "af-
firmed", according to the fact.

Refusal of
voter to
be sworn

97.—(1) When a voter is required to take the said oath or af-
firmation and refuses to do so, the deputy returning officer or poll
clerk shall enter opposite the name of such person in the proper
column of the poll book the words "refused to swear".

(2) Such person shall not be allowed to vote but shall be
required to leave the polling booth immediately, and he shall not

be allowed to enter the same again on the day of election for any purpose whatever.

98. When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner hereinbefore provided, the deputy returning officer shall sign his initials on the back of the ballot to which such person is entitled and hand it to him.

Deputy re-
turning
officer
initials
ballot
paper

99. The deputy returning officer may, and upon request shall, either personally or through his poll clerk, explain to the voter as concisely as possible the proper method of voting.

Explanation
of method
of voting

100.—(1) In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot, the deputy returning officer shall, in plain view of the candidates or their agents who are present, cause the vote of such person to be marked on a ballot, for the candidate directed by such person and shall cause the ballot to be deposited in the ballot box.

Incapacity
of voter

(2) If such voter requests that the person acting as his escort shall mark his ballot on his behalf, that person may do so, and in such case the provisions of subsection (1) shall not apply.

101.—(1) A person who votes oftener than he is entitled to vote is guilty of an offence and liable on summary conviction to a fine of \$50.

Penalty for
plural
voting

(2) The receipt by a voter of a ballot within the polling booth shall be prima facie evidence that he has there and then voted.

102.—(1) Upon receiving from the deputy returning officer the ballot prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot in the manner mentioned in the directions contained in section 80 by placing a cross (thus, X) on the right hand side opposite the name of any candidate for whom he desires to vote, or at any place within the division which contains the name of the candidate; he shall then fold the ballot across so as to conceal the names of the candidates and mark upon the face of the paper and so as to expose the initials of the said officer, and leaving the compartment shall, without showing the front to anyone or so displaying the ballot as to make known to any person the name of the candidate for whom he has or has not marked his ballot, deliver the ballot so folded to the deputy returning officer, who shall, without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot, verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

Method of
voting

(2) When the ballot of a voter has been deposited in the ballot box as provided by subsection (1), the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns after the voter's name the word "voted".

103. While a voter is in a voting compartment for the purpose of marking his ballot, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot:

Secrecy
of vote

Provided that where the voter is incapacitated by blindness or other physical cause from marking his ballot and requests that the person acting as his escort shall mark his ballot on his behalf, as provided in subsection (2) of section 100, such person shall be allowed to enter the compartment with the voter.

Forfeiture
of right
to vote

104. (1) No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

(2) A person, who has so received a ballot and who leaves the polling place without first delivering it to the said officer in the manner prescribed, shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot but took the same out of the polling place or returned the same declining to vote, as the case may be.

(3) In the latter case the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same.

Voter may
obtain
second
ballot
paper

105. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used as such, may, on delivering to the deputy returning officer the ballot so inadvertently dealt with, receive another in its place; and the said officer shall immediately write the word "cancelled" upon the ballot so delivered to him, and shall preserve the same.

Proceedings at Close of Poll

Close of
poll.

106. Immediately at the hour of five o'clock, mountain standard time, the deputy returning officer shall declare the poll closed:

Provided that in case, when the poll is so closed, there is a voter in the polling booth who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

Opening
ballot box

107. Immediately after the close of the poll the deputy returning officer shall, in the presence of the poll clerk, if any, and of such of the candidates or their agents as are present, open the ballot box and proceed as follows:

Counting
votes

1. He shall examine the ballots individually, and any ballot which is not initialed by the deputy returning officer as herein provided or on which more than one vote is given or on which anything is written or marked by which the voter can be identified, or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, shall not be counted but shall be set aside as rejected;

Objections
noted

2. The deputy returning officer shall take notice of any objection made by a candidate or his agent to any ballot found in the ballot box, and shall decide any question arising out of the objection;

Count

3. The deputy returning officer shall then count the votes given for each candidate upon the ballots not rejected, and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballots rejected and not counted by him, which statement shall be made under the following heads:

(a) the number of the division and the name and number of the reserve and date of election;

- (b) the number of persons who voted at the polling booth;
- (c) the number of votes for each candidate for chief;
- (d) the number of votes for each candidate for councillor;
- (e) the number of ballots supplied to the deputy returning officer;
- (f) the number of rejected ballots for chief;
- (g) the number of rejected ballots for councillor;
- (h) the number of cancelled ballots and the ballots marked "declined";

4. Upon the completion of the written statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof, and such written statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same. Signed statement

5. Every deputy returning officer, upon being requested to do so, shall deliver to each of the persons authorised to attend at his polling place a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers; Certificate of count

6. The deputy returning officer shall then, in the presence of such of the candidates or their agents as are present, make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents: Sealing packets of ballot papers

- (a) the ballots counted for the chief;
- (b) the ballots rejected for chief;
- (c) the ballots counted for councillors;
- (d) the ballots rejected for councillors;
- (e) the unused, cancelled and declined ballots;

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness: Statement of deputy returning officer

I, _____, deputy returning officer for
 Division No. _____ of Indian Reserve of _____ No. _____
 , do hereby declare that to the best of my knowledge and belief I have conducted the election held by me on this date in the manner provided by law, and that the entries required by law to be made in the poll book have been correctly made.

Dated this _____ day of _____, 19 _____.

.....
 Witness

.....
 Deputy Returning Officer

8. The deputy returning officer shall then place all the said packets, together with the poll book and the voters' list used by him, in the ballot box, which shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as are present and desire to affix their seals. Sealing ballot box

103. The deputy returning officer of each division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of the written statement entered in the poll book, and upon receipt thereof the returning officer shall give to him a receipt therefor. Delivery to returning officer

Returning officer counts ballots and declares election

109. (1) At twelve o'clock noon on the day and at the place previously appointed by him for the purpose, the returning officer shall, in the presence of such of the candidates or their agents as may be present, break the seal of, and open, the ballot box received from each deputy returning officer and take the same proceedings as are by section 107 required to be taken by a deputy returning officer and shall make and initial all necessary corrections in the statement entered in the poll book.

(2) If the ballot box used in any division has been lost or destroyed, the returning officer shall use the duplicate written statement delivered to him by the deputy returning officer for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

(3) When all the ballot papers have been examined and counted the returning officer shall forthwith sum up and announce the number of votes which he has allowed for each candidate, including any votes allowed under subsection (2), and shall publicly declare to be elected the candidate having the highest number of votes for each office to be filled; and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

Procedure where candidates have equal number of votes

110. If it appears upon the casting up of the votes that two or more candidates for any office have an equal number of votes, the returning officer shall write the names of such candidates separately on blank sheets of paper of equal size and of the same colour and texture and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptable and direct some person to withdraw one of the sheets; and the candidate whose name appears on the sheet thus withdrawn shall be by the returning officer declared elected.

Transmission of ballot boxes, etc., to secretary

111. Forthwith after the election the returning officer shall transmit to the secretary of the reserve the sealed ballot boxes and duplicate written statements used in the election, and thereafter the secretary shall be responsible for their safe keeping and for their delivery when needed.

Destruction of ballots

112. The secretary shall, unless otherwise ordered by the judge, retain for two months the ballot boxes with their seals unbroken, and shall then, unless otherwise ordered by the judge, cause the ballot boxes to be opened and the packets therein to be destroyed in the presence of two witnesses.

Inspection

113. No person shall be allowed to inspect any ballot papers in the custody of the secretary except under order of the judge to be granted upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under The Controverted Municipal Elections Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary.

Order of inspection

114. The order shall state the time and place for inspecting such papers and shall name the persons to be present at the inspection, and shall be made subject to such conditions as the judge thinks expedient.

Recount

115.—(1) If, within fourteen days from the time of the returning officer's declaration, it is, on the affidavit of a credible person, made to appear to him that in counting the votes given at an election he has improperly counted or rejected any ballots, and the sum of \$50 as security for the payment of costs and expenses is deposited with him, he shall forthwith forward the affidavit and deposit to the clerk of the court, who shall thereupon notify the judge. Recount

(2) The judge shall then appoint a time to recount the votes and cause notice in writing of the time and place at which he will proceed to be given to the candidate or candidates whose seat may be affected and to the secretary of the reserve, whose duty it shall be to be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.

(3) The said deposit of \$50 shall not be paid out by the clerk without the order of the judge.

116. The judge, the clerk of the court, the secretary, each candidate notified to attend and his agent or solicitor, and representatives of the press, and no other person except with the sanction of the judge shall be entitled to be present at the recount. Persons entitled to be present at recount

117. At the time and place appointed, and in the presence of those notified or entitled to attend as provided by section 116, the judge shall proceed to recount all the ballots received by the deputy returning officers of the several divisions of the reserve as having been given in the election complained of, as follows: Mode of counting

1. He shall break the seals on one of the ballot boxes containing the votes to be counted and take from such box the packets deposited therein;

2. He shall examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer for chief or councillor, as the case may be, and during the course of the examination shall keep a tally or count of the votes cast for each candidate and shall reject as void and shall not count:

- (a) any ballot which has not on its back the initials of the deputy returning officer;
- (b) any ballot on which two or more votes are given;
- (c) any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;
- (d) any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

but, except as hereinbefore otherwise provided, no word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall affect the vote;

3. If the ballot box used in any division has been lost or destroyed, the judge shall use the duplicate written statement for such division and allow the candidates named therein the number of votes respectively shown thereby to have been given them;

4. The judge shall take notice of any objection made by a candidate or his agent to any ballot, and shall decide any question

arising out of the objection, and the decision of the judge shall be final;

5. Upon the completion of the examination and count of the ballots contained in the first ballot box opened, the judge shall forthwith announce the result of the count and replace the ballots in the box, which shall be locked and sealed by the secretary in the presence of the judge;

6. The judge shall then proceed, if the recount applied for is of such a nature as to make it necessary, to examine and count in a similar manner the ballots contained in each of the other ballot boxes in turn;

7. When the ballots have all been so examined and counted, the judge shall forthwith sum up and announce the number of votes which he has allowed under paragraph 3, and he shall there and then declare elected the candidate having the highest number of votes;

8. If two or more candidates for the same office have been allowed by the judge the same number of votes, he shall write the names of such candidates separately on blank sheets of paper of equal size and of the same colour and texture and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the sheets; and the candidate whose name appears on the sheet thus withdrawn shall by the judge be declared elected:

Provided that this paragraph does not apply where the candidates having an equal number of votes also had an equal number of votes at the time of the casting up of the votes by the returning officer and where one of such candidates had been declared elected under section 110, and in such case the judge shall declare elected the candidate previously declared elected under section 110;

9. The judge shall then make and transmit forthwith to the secretary of the municipality a written statement of the result of the recount and every written statement shall show:

- (a) the names of the candidates;
- (b) the number of votes allowed for each candidate;
- (c) the number of ballots rejected;
- (d) the names of the candidates declared elected.

Quo
warrant
proceedings

118. Nothing in section 117 shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of quo warranto or otherwise.

Liability
for costs

119. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine, regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

Scale
of costs

120. The costs shall be on the district court scale and may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between solicitor and clients.

121. The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the non-payment thereof.

Enforcement
of payment
of costs

General Provisions

122. Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election or a vote upon a bylaw shall bear upon its face the name and address of its printer or of its printer and publisher; and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document, unless it bears upon its face such name and address, is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$200.

Printed
documents
to bear
name of
printer

123. No person who has voted at an election shall, in any legal proceedings to question the election or returns or otherwise relating thereto, be required to state for whom he has voted.

Secrecy
of votes

124. A candidate may himself undertake the duties which an agent of his might have undertaken, or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend.

Candidate
acting on
his own
behalf

125. When in this Act expressions are used requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done, in the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is done, the non-attendance of any agent at such time and place shall not invalidate it.

Candidates
and agents

126. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of the forms contained in this Act or by reason of any other irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such non-compliance, mistake or irregularity did not affect the result of the election.

Errors not
affecting
results

127. All necessary expenses incurred for an election under this Act shall be paid out of the funds of the reserve upon the production of proper accounts verified in such manner as the council may direct.

Payment of
election
expenses

128. All proceedings for contesting in any way an election or the voting on a bylaw under this Act shall be taken under the provisions of The Controverted Municipal Elections Act.

Controverted
Municipal
Elections
Act

Offences and Penalties

129.—(1) No person shall:

- (a) without due authority supply a ballot to any person; or
- (b) fraudulently put into a ballot box any paper other than a ballot which he is authorized by law to put in; or
- (c) fraudulently take out of the polling place a ballot; or

Ballot
papers and
ballot boxes

- (d) without due authority, destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of an election; or
- (e) apply for a ballot in the name of some other person, whether the name is that of a person living or dead or a fictitious person, or advise or abet, counsel or procure any other person so to do, unless he believes that he is the person intended by the name entered on the voters' list in respect of which he so applies; or
- (f) having voted once and not being entitled to vote again at the same election, apply for a ballot in his own name or advise or abet, counsel or procure any other person to do so; or
- (g) vote in a division in which he is not entitled to vote.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of a violation of this section is on summary conviction liable, if he is the returning officer or deputy returning officer, to imprisonment for a term not exceeding two years, and if he is any other person to imprisonment for a term not exceeding six months or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

Secrecy of
vote.

130.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at the polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at the polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

Election
officials

131. Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 62 to 130, shall, in addition to any other penalty or liability to which he may be subject,

forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

132. Every voter who displays his ballot after he has marked the same, so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot, is guilty of an offence and liable on summary conviction to a fine not exceeding \$25. Penalty for displaying ballot

PART IV.

Reserve Officers.

Appointment.

133. The council shall, at its first meeting after the organization of the reserve or so soon thereafter as practicable, and from time to time as vacancies occur, appoint a secretary and a treasurer or a secretary treasurer qualified under regulations issued by the minister. Secretary treasurer

134. Every council may also appoint from time to time such other officers, servants or employees, including an assistant secretary treasurer and one or more constables, as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act or any bylaw of the reserve. Other officers

135.—(1) In case of the absence of the treasurer or secretary treasurer from the reserve, or in the case of sickness or other inability to perform his duties, the council may appoint an acting treasurer or acting secretary treasurer. Acting treasurer

(2) A person appointed acting treasurer or acting secretary treasurer shall, while he so acts, have all the powers of the treasurer or secretary treasurer, as the case may require.

(3) No acting treasurer or acting secretary treasurer hereafter appointed by the council shall hold office for a period of more than one year unless he is in possession of a certificate of qualification granted under regulations issued by the minister.

(4) Any person who violates subsection (3) is guilty of an offence and liable on summary conviction to the fine provided in subsection (1) of section 136 in case of an offence against that subsection.

136.—(1) A person who assumes office as treasurer or secretary treasurer and who is not in possession of a certificate of qualification granted under regulations issued by the minister, or whose certificate is cancelled after his appointment to such office and who attempts to discharge the duties of the said office while so unqualified, is guilty of an offence and liable on summary conviction to a fine of \$5 per day for each day on which the offence continues. Certificate of qualification

(2) All acts performed by such person in discharging the duties of the said office while unqualified shall be invalid and of no effect whatsoever.

137. A councillor shall not be eligible to be appointed to any office under the reserve. Councillor not eligible for office

No appoint-
ment by
tender

138. The council shall not make any appointment to office or any arrangement for the discharge of the duties of an office by tender or by application at the lowest remuneration.

Tenure of
office

139.—(1) All reserve officers shall, in addition to the duties assigned to them by this Act or any other Act, perform such other duties as may be required of them by the council.

(2) All reserve officers, other than the treasurer or secretary treasurer, shall hold office during the pleasure of the council and in accordance with the terms expressed in the resolution by which they are appointed.

(3) Subject to subsection (4) a treasurer or secretary treasurer whether appointed for a stated period or otherwise shall be the treasurer or secretary treasurer of the reserve until his services are dispensed with by resolution of the council.

(4) No dismissal of a treasurer or secretary-treasurer shall take effect until the expiry of thirty days after written notice has been given by the chief to the minister stating the reason for such dismissal.

Investiga-
tion of dis-
missals

140.—(1) A treasurer or secretary treasurer who has been dismissed by the council may apply to the minister for an investigation of the dismissal, and upon receipt of such application, accompanied by a deposit of \$25, the minister may appoint for the purpose a board of reference minister may appoint for the purpose a board of reference consisting of three members, the chairman of which shall be nominated by the minister, one member by the treasurer or secretary treasurer and one by the council. The member nominated by the treasurer or secretary treasurer or the council shall not be a member of the council.

(2) If no nomination is received from the treasurer or secretary treasurer or the council within ten days after receipt by the minister of the application for an investigation, the remaining members or member shall exercise the powers of the board.

(3) The board shall meet and make its decision within thirty days after the appointment of the chairman.

(4) Both parties may be represented at the investigation and the chairman shall give at least ten clear days' notice to each party of the time and place thereof.

(5) The board may, for the purpose of procuring the attendance of any person as a witness, serve such person with a notice requiring him to attend before the board, which notice shall be served in the same way and have the same effect as a subpoena requiring the attendance of a witness and the production by him of documents at the hearing or trial of an action, but no such person shall be compelled under any such notice to produce any document which he could not be compelled to produce on the trial of an action.

(6) The board may appoint one of its number to act as its secretary and to keep such record of the proceedings of the investigation as the board may deem necessary.

(7) The chairman may take evidence under oath, and any member may administer oaths to the parties and witnesses.

(8) The scope of the investigation and the findings of the board thereon shall, unless the board otherwise determines, be limited to the reasons for dismissal.

(9) All questions brought before the board shall be decided by a majority vote of its members. The chairman shall have the right to vote, and in the case of an equality of votes he shall also have a casting vote.

(10) The board shall forward a statement showing its findings to the minister, the chief and the treasurer or secretary treasurer.

141.—(1) The board may order the return to the treasurer or secretary treasurer of all or part of the deposit of \$25, and in such case shall order the council to forward to the minister a sum equal to the amount so ordered to be returned. Expenses of investigation

(2) A treasurer or secretary treasurer who applies to the minister for an investigation shall be liable for the payment of all expenses incurred by it or its representative.

142. Every officer, servant and agent of the reserve shall be personally liable for any damage arising from his acts or defaults, or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the bylaw of the council, in addition to any penalties otherwise imposed for the said acts or defaults. Liability of officers

Secretary

143.—(1) It shall be the duty of the secretary of the reserve: Duties of secretary

1. to keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for that purpose, and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the chief or other presiding officer;

2. to enter in the minutes of every meeting the names of the members of the council present;

3. to deliver or transmit by mail to each member of the council a copy of the minutes of each meeting not later than ten days after the day on which the meeting is held. A councillor shall permit any resident of his division to inspect copies of minutes received by the councillor;

4. to conduct the correspondence of the council as directed by it;

5. to transcribe into a special book to be provided for the purpose a true and correct copy of every bylaw passed by the council, which copy may be either written or printed or partly written and partly printed, and to prepare a proper index for such bylaws;

6. to take charge of and keep on record all books, papers, accounts, assessment rolls, plans, maps and correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;

7. to prepare faithfully and duly transmit to the minister such statements, reports and other information in regard to the reserve as may from time to time be required by the minister, and in such form as he may direct;

8. to call any special or other meeting of the council in the manner provided by this Act;

9. to produce for inspection the minute and other books, and all papers and records of whatsoever kind in his possession when required so to do by an inspector;

10. to perform faithfully all other duties imposed upon him by this Act, and generally carry out such instructions as may be issued to him from time to time by the council.

(2) Any elector may at all reasonable times inspect any contract, bylaw, report of any committee or of any official of the reserve other than legal counsel engaged by the reserve, or any account relating thereto, or the minutes of the council, and the secretary shall within a reasonable time after demand by an elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words, each figure to be counted as one word.

(3) Upon payment of a fee of \$3 by any elector, the secretary shall mail to him within a reasonable time, after each meeting, copies of the minutes of all subsequent council meetings held prior to the first day of January next following.

Treasurer.

Duties of treasurer

144. It shall be the duty of the treasurer of the reserve:

1. to receive and keep safely all moneys belonging to the reserve from whatever source;

2. to deposit daily, or as often as the council may direct, in some chartered bank designated by the council, all moneys received by him, and in so doing to use such form of deposit book as may be prescribed by the minister;

3. to submit for the consideration of the council all accounts and charges against the reserve which he receives;

4. to pay all accounts against the reserve only when they have been passed by the council and certified by the chief or other presiding officer;

5. to make all payments on behalf of the reserve by cheque on the chartered bank in which the moneys of the reserve are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the chief or in his absence by the deputy chief;

6. to give and take receipts for all moneys of the reserve received and disbursed and to keep on file all vouchers of expenditure;

7. to keep in a cash book or such book or record and in such form as may from time to time be prescribed by the minister a complete and detailed record of all the financial transactions of the reserve;

8. to submit to the council at each regular meeting, on a form prescribed by the minister, a statement showing all receipts and disbursements during the preceding month, the balance carried forward to that month and the balance on hand at the end of the month;

9. to produce, when called for by the council, auditor, inspector or other competent authority, all books, vouchers, papers and moneys belonging to the reserve, and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office;

10. to prepare faithfully and duly transmit to the minister such reports and statement as may from time to time be required by the minister and in such form as he may direct;

11. to perform faithfully all other duties conferred upon him by this Act, and generally to carry out such instructions as may be issued to him from time to time by the council.

145. The financial year of the reserve shall commence on the first day of January and close on the thirty-first day of December in each year. Financial year

Financial Statements.

146.—(1) On or before the fifteenth day of October in each year the secretary treasurer shall prepare, in such form as the minister may direct, an abstract of the receipts and disbursements of the reserve for the nine months ending on the preceding thirtieth day of September. Interim financial statement

(2) The secretary treasurer shall, on or before the fifteenth day of October, supply a copy of such abstract to each councillor who shall retain the same at least until the end of the year at his residence where it shall be open for inspection at all reasonable hours by an elector.

(3) The secretary treasurer shall read the abstract at the annual meeting.

PART V.

Powers and Duties of Councils Bylaws.

147. Except as herein provided the council of every reserve may perform and exercise the duties and powers imposed or conferred on it by this Act either by resolution or by bylaw. Resolutions of council

148.—(1) Every bylaw shall be under the seal of the reserve and shall be signed by the chief or person presiding at the meeting at which the bylaw is finally passed and by the secretary. Passing, sealing and signing of bylaws

(2) Subject to subsection (3) every bylaw shall have three distinct and separate readings before it is finally passed, but not more than two readings shall be had at any one meeting except by the unanimous vote of the councillors present thereat.

(3) If a bylaw is submitted to a vote of the electors for assent it shall not be finally passed until after the lapse of fourteen days following the returning officer's declaration of the result of the voting.

149. A copy of a bylaw or resolution written or printed without erasure or interlineation and under the seal of the reserve, certified to be a true copy by the secretary and a member of the council, shall be received as prima facie evidence of its passing and of the contents thereof without further proof, unless it is specifically alleged or pleaded that the seal or the signature of the secretary or member of the council has been forged. Evidence of bylaw

150.—(1) Where, by this or any other Act, the approval of a member of the executive council is required to a bylaw, and the Act does not otherwise provide, a certificate by the secretary, under his hand and the seal of the reserve, specifying the bylaw and stating by his name of office the minister by whom it has been Proof of approval of bylaw

approved and the date of such approval, shall be prima facie evidence that the bylaw has been so approved.

(2) If such approval is given by a deputy minister the certificate shall state that fact.

Powers to
impose
penalties

151.—(1) The council may pass bylaws for inflicting reasonable fines, not exceeding \$100, for breach of any of the bylaws of the reserve passed under the provisions of this Act, and for reasonable punishment by imprisonment with or without hard labour in the nearest common jail for a period not exceeding thirty days in case of non-payment of the fine and costs inflicted for any such breach, unless such fine and costs including the costs of committal are sooner paid.

(2) Two copies of every such bylaw under the seal of the reserve and certified as correct by the chief and the secretary shall be transmitted to the minister, and no such bylaw shall have any force or effect until one of the copies is returned to the secretary approved by the minister.

(3) Every fine under a bylaw shall, if no other provision is made respecting it, belong to the reserve for the public use of the same and form part of its general revenue.

Quashing
bylaws and
resolutions

152.—(1) Any elector of the reserve may, within two months after the passing of a bylaw or resolution of the council, apply to the judge upon motion, to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part, and may award costs for or against the reserve and may determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The bylaw or resolution may be proved by the production of a copy thereof, written or printed without erasure or interlineation and under the seal of the reserve, certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

(4) Before such motion is made the applicant, or, if the applicant is a company, some person on its behalf, shall enter into a recognizance before the judge, himself in the sum of \$100 and two sureties each in the sum of \$50, conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the recognizance upon the sureties entering into proper affidavits of justification, and thereupon the same shall be filed in court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5), the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him, and the certificate of such payment into court shall be filed in court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money paid into court to be applied in the payment of costs or to be paid out to the applicant.

(8) All moneys required to be paid into or out of court under this section shall be paid in or out in like manner as moneys are paid into or out of court in actions pending therein.

153. Any bylaw which has been procured to be passed through or by means of a violation of any of the provisions of sections 3 and 4 of The Controverted Municipal Elections Act may be quashed upon an application made in conformity with the provisions of section 152. Bylaws procured by bribery and corruption

Powers and Duties of Councils

154. Except as herein provided the council of every reserve may make laws for the peace, order and good government of a reserve and person and exercise the duties and powers imposed or conferred on it by this Act either by resolution or by bylaw for any or all of the following purposes, namely: Bylaws generally

1. providing for the health of the reserve and the prevention of the spread of communicable diseases; Public health
2. regulating nuisance grounds within the reserve and making provision for the disposal of the refuse by licensing scavengers or otherwise; Nuisance grounds
3. controlling any cemetery, and preventing the burial of the dead within any area; Cemetery
4. granting aid to sufferers from fire, tempest or other calamity in any locality; Aid to victims of calamity
5. granting aid or relief to any needy person who is resident in the reserve, and providing for taking security for payment where deemed advisable and prescribing the form of such security; Aid to needy persons
6. granting sums of money to the Canadian Red Cross Society, the Navy League of Canada, Returned Soldiers Leagues, auxiliary war services organizations or any similar organizations; Grants to Red Cross Society, etc.
7. granting aid to charitable organizations, agricultural societies, curling clubs, skating clubs, boards of trade and school and domestic exhibitions; Aid to agricultural societies, etc.
8. granting aid for the erection of a memorial to members of the armed forces who gave their lives in the service of Canada in any war and granting aid for the repair and maintenance of such memorial; War memorial
9. providing for planting and protecting trees or shrubs on highways and public places, or for encouraging or making an expenditure for the planting of trees or shrubs, at a specified distance from highways, on land within the reserve belonging to residents thereof; Trees
10. restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large in the reserve or any part thereof; Dogs
11. restraining and regulating the running at large of animals; Stray animals
12. prohibiting the herding or grazing or herding and grazing of cattle in hamlets or defining the areas within which and the conditions under which cattle may be herded or permitted to graze in hamlets; Herding or grazing of cattle in hamlets

- | | |
|---------------------------------------|---|
| Hawkers and pedlars | 13. classifying, licensing, regulating and governing hawkers and pedlars; but a licence shall not be granted by a reserve unless the applicant is holder of a provincial licence for hawkers and pedlars; |
| Licensing other traders | 14. licensing, regulating and governing persons, other than those mentioned in paragraph 13, who in the course of their business buy or sell, or buy and sell, goods by retail within the reserve and who are not assessable for the purpose of business taxation in respect of such business; |
| Livery, feed and sale stables | 15. subject to the provisions of The Vehicles Act of the province, controlling, regulating and licensing motor liveries, livery, feed and sale stables and all persons who carry on within hamlets the business of conveying passengers by cabs, carriages, omnibuses, automobiles, or other vehicles, for hire or profit; |
| Carriers and draymen | 16. subject to the provisions of The Vehicles Act of the province, licensing carriers, draymen and all persons performing work with horses, mules or motor trucks within hamlets for hire and regulating the same and fixing a schedule of fees to be charged by them; |
| Removal of dirt, etc., from roads | 17. compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public places within the reserve by the party depositing the same, and the placing of same where ordered by the council; |
| Incumbering the roads | 18. preventing the ploughing of roads and the incumbering or obstructing of roads and other places by vehicles or other articles or things; |
| Removal of drifted soil from highways | 19. authorizing entry upon land adjoining a road allowance or other public highway for the purpose of removing drifted soil which has accumulated along the boundary thereof, and removal of the boundary fence where its removal is deemed necessary for such purpose; provided that any fence removed under the authority of the bylaw shall be replaced forthwith after such purpose has been fulfilled; |
| Parking of vehicles | <p>20. subject to the provisions of The Vehicles Act of the province:</p> <ul style="list-style-type: none"> (a) classifying motor and other vehicles for any and all purposes involving use of streets, lanes and other public places in hamlets; (b) preventing or restricting, controlling and regulating: <ul style="list-style-type: none"> (i) the parking of vehicles or of any particular classification thereof on all or any streets, lanes and other public places or any portion thereof; (ii) the parking on specified streets or lanes or within a certain distance from any building in any hamlet, of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded, and defining the route or routes through any area that such vehicles must follow in entering or traversing such area; (iii) any other use of the streets, lanes and other public places or any portion thereof in any area by or for vehicles or any particular classification thereof; |

21. regulating the driving and riding of horses and other animals on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges, and making provision for carrying out any provincial law respecting the same; Use of bridges and highways
22. making provision for regulating and for carrying out any provincial law regard the use of bridges and culverts by portable engines or traction engines; Traction engines
23. restricting the weight of vehicles, or of vehicles with their loads, using the roads or bridges or specified roads or bridges in the reserve; Weight of vehicles and loads
24. prohibiting the operation of vehicles of a greater weight than that specified in the bylaw on roads in the reserve during any period when the gross weight of vehicles operating on any provincial highway in the reserve or an adjoining reserve has been restricted by proper order. Weight of vehicles
25. prohibiting the operation of tractors on roads in the reserve and restricting to a maximum of 6,000 pounds the weight of other vehicles with their loads operating on roads in the reserve, at any time, and for any period, ordered by a committee consisting of the chief and one councillor appointed by resolution of the council, such order to be issued in accordance with regulations prescribed by the minister; Maximum weight of vehicles with loads
26. making provision for carrying out any provincial law regulating the speed of motor vehicles on highways; Speed of motor vehicles
27. subject to the provisions of The Vehicles Act of the province, regulating the speed of motor vehicles within any village; Speed of motor vehicles in village
28. controlling or preventing the riding of bicycles on sidewalks in any village in the reserve; Bicycles
29. taking the census of the reserve or any part thereof; Census
30. providing ways and means for the extermination of such animals, birds and insects as are found to injure or impede agriculture, which may include the granting upon such evidence as the council may determine, of bonuses of an amount to be fixed by the council for destroying wolves, gophers, ground-hogs, jack-rabbits, rats, magpies, magpies' eggs, crows and crows' eggs; Extermination of harmful animals, birds and insects
31. Providing for the destruction of wolves, gophers, jack-rabbits, rats, reptiles, magpies, magpies' eggs, crows and crows' eggs at the expense of the reserve; Destruction of gophers, etc.
32. licensing, regulating and governing all persons who for hire or gain keep or have in their possession or on their premises any billiard, pool or bagatelle table, bowling alley or shooting gallery in a house or a place of public entertainment or resort, whether such table, bowling alley or shooting gallery be used or not, and fixing the sum to be paid for a licence for each table, bowling alley or shooting gallery and the time such licence shall be in force; Billiard tables, bowling alleys, etc.
33. licensing, regulating and governing places of amusement; Places of amusement
34. licensing the owners of cows the milk from which is offered for sale within the reserve, and all persons operating depots or dairies at which such milk is treated, bottled or otherwise handled in bulk; Owners of cows and dairies

- | | |
|---|---|
| Fire protection | 35. providing for fire protection in any hamlet and providing for reports upon fires which occur within the reserve; |
| Use of city or town fire fighting equipment | 36. entering into a contract with any city or town upon such terms and conditions as may be agreed upon for the use of the fire fighting equipment of the city or town in extinguishing fires within the limits of the reserve, or paying for such services where no contract has been entered into and a request for such services is made by the reserve; |
| Water supply, etc., in area | 37. providing for a water supply, street lights or sidewalks in any area, and for assessing and levying the cost thereof within the area; |
| Electric light plant, etc. | 38. consenting to the construction and operation of an electric light plant or distribution system, or both; |
| | 39. authorizing the payment of a sum of money to meet the cost, or part thereof, of construction of a power transmission line to connect any area in the reserve with any system and also a power distribution system within the reserve; |
| Loose wire | 40. providing for the prevention of loose wire lying exposed and unguarded in any part of the reserve; |
| Nursing, dental or medical care in individual cases | 41. authorizing the chief or secretary treasurer, under such circumstances and subject to such conditions as the council deems advisable, to supply nursing, dental or medical care in individual cases; |
| Structure and classification of buildings | 42. respecting the erection, classification, alteration, repair, demolition or removal of buildings in any hamlet and in particular for: <ul style="list-style-type: none"> (a) regulating the quality and strength of wood, brick, stone, hollow tile, cement and concrete, and the size and strength of columns, piers, studding, beams, joists, girders, floors, rafters, roofs and their supports in all such buildings; (b) regulating the size and construction of chimneys and flues, the construction of hearths and fire-places, the installation of furnaces, hot air and steam pipes, ovens, boilers, electric wiring and apparatus, and removing at the expense of the owner, any of them constructed or installed in contravention of the bylaw; (c) regulating the size, structure, number and position of doors in churches, halls or other places of public meeting or places of amusement, and also the size and structure of stairs and stair railings in all such buildings and the method of lighting any of them; (d) subject to the provisions of the Factories Act of a province, compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places and of such pattern and mode of construction as may be deemed proper; and prohibiting the occupation of any such building unless or until such fire escapes are provided; (e) preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of any hamlet; prohibiting the erection or placing of buildings or additions |

to them other than with main walls of brick, iron, concrete, stone or other incombustible material, and roof of incombustible or slow-burning material, within defined areas of any hamlet;

- (f) regulating the maximum height of and distance between walls and buildings according to the class of construction.

43. providing for the issue of building permits and prohibiting the commencement of the erection, alteration, repair, demolition or removal of any building except in conformance with the regulations pertaining thereto and unless authorized by permit; Building permits

44. authorizing the pulling down or removal, at the expense of the owner, of any buildings or erection constructed, altered, repaired or placed in contravention of any bylaw; Pulling down buildings

45. the prevention and extinguishment of fire in and about buildings other than residences situated on farms and farm buildings and in particular; Fire prevention

- (a) regulating the storage of inflammable liquids in and about buildings;

- (b) preventing and controlling the storage of gunpowder and other combustible, explosive or dangerous materials;

- (c) regulating the installation of stoves and stove pipes or other apparatus or things which may be dangerous in causing or promoting fires and enforcing the proper cleaning of chimneys, flues and stove pipes;

- (d) requiring buildings and yards to be kept in a safe condition to guard against fire or other dangerous risk or accident and regulating the removal and safe keeping of ashes;

- (e) regulating the conduct and enforcing the assistance of persons present, for the preservation of property at fires; pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire, and providing compensation for loss or damage sustained by reason of the said pulling down or demolishing; provided that in all cases where a building is pulled down or demolished by order of anyone acting under the authority of the council the council shall compensate the owner for the amount of insurance to which the owner would have been entitled had the building been burned;

46. appointing either alone or jointly with other reserves, district representatives for the promotion of agriculture generally, and defining their duties; Promotion of agriculture

47. providing for the appointment by the council of an Agricultural Conservation and Improvement Committee consisting of one representative from each division of the reserve who may be a member of the council; Agricultural Conservation and Improvement Committee

48. acquiring an outfit for cleaning grain, and governing the use of such outfit by the residents of the reserve and providing for necessary expenditures in connection therewith; Cleaning grain

49. prohibiting the burning of straw within the reserve or any portion thereof during a period to be stated in the bylaw; Burning of straw

Wood-sawing and wood-cutting machines

50. licensing, controlling and regulating persons operating wood-sawing or wood-cutting machines and directing and enforcing the use of such safety devices and other precautionary measures as may from time to time be recommended by provincial enactment;

Restricting discharge of fire arms

51. restricting the discharge of any fire arm within the reserve or any portion thereof except where discharged by a person on land of which he is in actual occupation or where discharged on the said land by a member of his family;

Trees and shrubs

52. providing for the removal at the expense of the reserve of trees and shrubs growing on private property at or adjacent to and within three hundred feet, or such lesser distance as may be specified in the bylaw, from intersections of roads other than provincial highways, whether growing before or after the passing of the bylaw, and for entering upon private property for such purpose;

Brush

53. providing for the removal at the expense of the reserve of brush, except where the same is used as a shelter belt, growing on private property within one hundred feet from the centre of any road other than a provincial highway, whether growing before or after the passing of the bylaw, and for entering on private property for such purposes;

Snow ridges

54. authorizing entry upon land adjoining any road allowance or other public highway for the purpose of making snow ridges and erecting snow fences;

Classifying and licensing mining contractors

55. subject to the provisions of the Vehicles Act of the province, classifying and licensing mining contractors and well-drilling contractors who are not assessable for the purposes of a business tax and who, in the operation of a mining or well-drilling business:

- (a) contract to move earth, gravel, stones or mineral of any kind within the reserve; or
- (b) operate or offer for hire any machine, tractor, truck or appliance used in the process of drilling or of moving earth, gravel, stones or mineral of any kind within the reserve;

and prescribing a schedule of fees to be paid by such mining or well-drilling contractors which schedule shall be subject to the approval of the minister and which fees may be in the nature of a tax computed in any manner adopted by the council and may vary as between the different classifications;

Submitting reserve questions

56. submitting to a vote of the electors any reserve question not specifically authorized by this Act to be submitted.

(2) The granting or refusing of a licence under paragraph 32, 33 or 34 of subsection (1) or the revoking of a licence under any of those paragraphs, shall be in the discretion of the council, and it shall not be bound to give any reason for such refusal or revocation, and its action shall not be open to question or review by any court.

Pedigreed Live Stock

Powers of council

155. The council may by bylaw provide for the purchase of pedigreed stallions, bulls, rams and boars, or any of them, for the purpose of improving the quality of live stock in the reserve. Every sire so purchased by the reserve shall be purebred and registered in the Canadian Record of its breed.

Inspecting and Testing Cattle.

156.—(1) The council may pass bylaws for the purpose of ^{Powers of council} preventing the spread of tuberculosis, infectious bovine abortion and other diseases of animals which are communicable to human beings and without restricting the generality of this provision, may pass bylaws for:

- (a) appointing inspectors to inspect and subject to such tests as may be required by such bylaws all cattle within the reserve and all dairy cows any of the milk from which is used for human consumption within the reserve, and empowering the inspectors to make such orders as may be required for effectively carrying out the provisions of this section;
- (b) providing for the collection, detention and isolation of such animals for the purpose of making such tests, branding and quarantining infected animals; compelling the owners to separate such animals from their herds; preventing the use for human consumption of milk from animals which have been quarantined or found to be infected and slaughtering animals which have not been separated from the herds when required to be separated by order of an inspector;
- (c) requiring persons who know that an animal is infected with a disease communicable to human beings or has reacted to a test for such disease to report the same to the nearest inspector;
- (d) requiring that all heifer calves be vaccinated with *Brucella abortus* vaccine as provided by the regulations of the Minister of Agriculture regarding calfhood vaccination.

(2) The council may, either alone or jointly with other reserves, enter into an agreement with the provincial government for the purpose of having cattle and dairy cows within the reserve inspected and subjected to the tuberculin or any other test by inspectors appointed by the provincial Minister of Agriculture or of Canada, and shall possess in connection with such inspection and test all the powers conferred in other cases by subsection (1). The council shall also possess such other powers as may be necessary for carrying out the terms of the agreement and may pay such share of the expenses incurred as may be therein provided.

(3) Notwithstanding the provisions of subsections (1) and (2), upon receipt of a petition to that effect, signed by not less than sixty per cent of the electors of the reserve, the council shall pass a bylaw for the purpose of preventing the spread of tuberculosis, infectious bovine abortion and other diseases of animals which are communicable to human beings.

(4) A bylaw under subsection (3) shall be in such form and shall authorize the council to enforce such regulations as the minister may prescribe, shall be subject to his approval and shall have no force or effect until one copy of the bylaw is returned to the secretary approved by the said minister.

Extermination of Warble and Heel Flies.

Powers of
council and
minister

157.—(1) The council may pass a bylaw requiring such measures to be taken for the extermination of warble flies and heel flies, including treatment of cattle, as may be prescribed by the minister and authorizing the purchase and sale by the reserve of such materials as may be necessary for the said purpose.

(2) Such bylaw may be passed by the council of its own motion or after a proposed bylaw has been submitted to a vote of the electors and approved by two-thirds of the electors voting thereon.

(3) The minister may make regulations prescribing the measures to be taken by owners of cattle and other persons where a bylaw has been passed under this section, the methods to be adopted for the purpose of carrying such measures into effect and generally for the guidance of reserves and owners of cattle and other persons.

Equine Encephalomyelitis.

Powers of
council

158. The council may by resolution nominate and authorize not more than two persons in each division of the reserve to vaccinate horses as a preventative of equine encephalomyelitis, and specify the fees which may be charged by such persons for such services.

Improvements to Lands.

Power to
acquire
machinery
and make
agreements

159.—(1) The council may by bylaw authorize:

- (a) the acquisition of machinery by the reserve, or by the reserve jointly with another reserve, for the purpose of making improvements to land in the reserve or reserves;
- (b) the making of a contract with any person, under which such improvements will be made by him.

Additional Powers and Duties of Council.

Powers.

160.—(1) In addition to all other powers conferred on councils by this Act, the council of every reserve shall have power:

Acquisition
of property
by agree-
ment

1. to purchase, lease or otherwise acquire for the use of the reserve any estate in landed property, within or without the reserve, for exhibition grounds, recreation grounds, nuisance grounds, a cemetery or for a highway, road, street, bridge, ferry, water supply, dam, dugout reservoir, irrigation project, gravel pit, or other public work in the reserve or for any other public purpose whatever;

Erection of
joint office
buildings

2. to unite with the council of any reserve, city, town or village for the purpose of erecting a building which shall be used jointly by the councils having an interest therein;

Public
works

3. to unite with the councils of other reserves, including villages, towns and cities, for the construction and maintenance of any public work, or the performance of any matter or thing deemed by all councils concerned to be of benefit to their respective reserves, and to enter into an agreement as to the joint control and management of any undertaking that concerns their respective reserves;

Pastures

4. to purchase, lease or otherwise acquire, or to unite with the councils of other reserves for so doing, any estate in landed property, within or without the reserve, for a pasture or hay meadow, to improve the same and to charge fees for the use thereof;

5. to accept control of Crown lands and to establish and maintain on such lands and on lands owned by the reserve forests, nurseries and plantations for the growing of trees; Forests, tree nurseries and plantations
6. to enter upon and take and use and acquire so much real property as in the opinion of the council may be needed for exhibition grounds, recreation grounds, nuisance grounds, a cemetery or the site of a reserve building, or for a highway, road, street, bridge, ferry, water supply, dam, dugout, reservoir, irrigation project, gravel pit, or other public work in the reserve, or for any other public purpose whatever, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto. If the amount of such compensation is not mutually agreed upon by the parties concerned, it shall be determined as provided by The Municipal Expropriation Act of the province. Acquisition of property without consent
7. to sell and dispose of real property subject to the approval of the minister; Acquisition of property in settlement, etc.
8. to establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the reserve; Weigh scales
9. to establish, maintain and operate a machine repair shop and a machine shed and to purchase, lease or otherwise acquire real and personal property required for such purpose; Machine repair shop
10. to lay out, construct, repair and maintain roads, lanes, bridges, culverts and any other necessary public work in the interests and for the use of the reserve; Roads
11. to make provision for a supply of water for the reserve or any portion thereof and to regulate the use of the same, and to prevent the placing of anything prejudicial to health in any stream or body of water in the reserve; water supply
12. to acquire either separately or jointly with another reserve a grader, pile driver, stone crusher, roller or other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the reserve or reserves; Pile drivers, stone crushers, etc.
13. to lease for a term of years any area belonging to the reserve provided that every such lease shall be subject to cancellation by the lessor or lessee on six month's notice in writing; Lease of buildings
14. to provide for payment of the expenses of one or more delegates to the annual convention of Indians within the province; Delegates' expenses
15. to procure instruction for one or more reserve officers in their duties; Reserve officers' instruction
16. to make such agreements as the council deems expedient relating to any rehabilitation or land utilization project; Rehabilitation and land utilization projects
17. to become a member of a co-operative association by the purchase of one or more shares or otherwise and to hold additional shares of which it becomes the owner by the application of dividends. Membership in co-operative association

Declaring and Abating Nuisance

- 161.—(1) The council may by resolution or bylaw declare any building, structure or erection of any kind whatever or any drain, ditch, watercourse, pond, surface water or any other matter or thing Powers of council

in or upon any private land, street or road or in or about any building or structure in any hamlet, a nuisance and dangerous to the public safety or health and by such resolution or bylaw as may be directed therein order that the same shall be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the council may determine and within such time after the service of the order as may be therein named.

(2) At or near the locality of the nuisance so declared, a placard shall be posted giving the order provided for herein and the order shall be served personally upon the owner, agent, lessee, or occupier of the premises.

Unauthorized Expenditures

Liability of
councillor

162.—(1) Any member of the council who expends or authorizes the expenditure of reserve funds upon or with respect to any public work in the reserve, or for supplying materials or labour for such work, is unless he has first been empowered to do so by bylaw or resolution of the council, liable on summary conviction, for every such offence, in addition to liability in a civil action by the reserve or any elector thereof, to a fine of not less than \$10 nor more than \$100, and in default of payment to imprisonment for a term not exceeding sixty days.

(2) Any member of the council who purports to authorize the expenditure of reserve funds upon or with respect to any public work in the reserve or for supplying materials or labour for such work, is, unless he has first been empowered to do so by bylaw or resolution of the council, liable on summary conviction, for every such offence, to a fine of not less than \$10 nor more than \$100 and in default of payment to imprisonment for a term not exceeding sixty days.

(3) A member of the council shall be deemed not to have committed an offence under subsection (2) where he purports to authorize repairs of an emergent nature to any public work and the cost does not exceed \$100 nor where the expenditure or work that he purports to authorize does not exceed the expenditure by the council by more than \$100.

PART VI

Miscellaneous

Penalties.

Penalties
for non-
perform-
ance of
duties

163. Any secretary, treasurer or other officer of a reserve who:

- (a) fails to discharge the duties of his office; or
- (b) knowingly signs any false statement, report or return required by this Act or any law in force in the province; or
- (c) fails to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the minister all moneys, books, papers and other property of the reserve in his possession;

is, in addition to any civil liability which he may incur, guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

164. All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace. Recovery of penalties

165. All moneys accruing from fines or penalties under this Act shall belong to the reserve. Penalties go to consolidated fund of province

Treaty Money

166. Moneys that are payable to Indians or to Indian bands under a treaty between Her Majesty and the band and for the payment of which the Government of Canada is responsible, may be paid out of the Consolidated Revenue Fund and the rate of payment shall be \$17 to every person per annum, which shall be mailed out by the minister not later than the first day of May in each year. Treaty Money payable out of C.R.F.

Management of Indian Moneys.

167.—(1) All Indian moneys held by the minister in trust for a reserve shall be paid to a chartered bank chosen by the council, to the account of the said reserve. Indian moneys to be held in chartered bank to the account of each reserve

(2) The council may by bylaw or resolution authorize and direct the expenditure of capital moneys of a reserve for any purpose the council may deem desirable, subject to the approval of the minister. Expenditure of capital moneys with consent

(3) The council may by bylaw or resolution authorize and direct the expenditure of revenue moneys of a reserve for any purpose the council may deem desirable without the approval of the minister. Expenditure of Revenue Moneys without consent

The VICE-CHAIRMAN: Then, Mr. Wuttunee, if you will deal with the resolutions one by one we will have the questioning after each resolution is read.

Mr. WUTTUNEE: Yes. In order to clarify the record I might say that John Tootoosis is also a member of the delegation and will be here shortly.

The federation of Saskatchewan Indians was first formed at a conference in 1958, and with the exception of four bands the whole of Saskatchewan was represented. The conference met again in 1959 at which time there were approximately 44 bands represented. This is the federation which is the general organization for most of the Indians in Saskatchewan. However, there have been some outcroppings which have developed. The Qu'Appelle Indian council I believe is presenting a brief. They represent half a dozen bands of the Qu'Appelle agency. This is a branch of the defunct Queen Victoria treaty protective association which was dissolved in 1958 and is reviving again. They may have various numbers of people from bands which are interested in resurrecting this organization. However, at the present time it is not very active at all.

Our brief contains three parts. The first part deals with the resolutions which we passed at the last conference. The second part contains the resolutions, and the third part contains a model Indian Act which we have prepared as a guide to give you merely some guidance as to the choice of wording. As you know, sometimes a loophole can be found in a section merely by the changing of one word.

The VICE-CHAIRMAN: I do not believe you have mentioned the approximate percentage of the Indians in Saskatchewan which this organization represents.

Mr. WUTTUNEE: There are 67 bands, 6 or 7 of which are in the other group; therefore, we represent approximately 60 bands. There are 23,000 Indians in Saskatchewan and each of the other bands mentioned number approximately 200 or 300. It is difficult to ascertain just what numbers those six or seven bands represent.

Now, as a general introduction, we would like to say that we have great hopes in this committee, and so have most other people who are interested in Indian affairs generally.

It goes without saying that we do have great hopes in this particular committee again. Now, we submit that an entirely new look should be given to the Indians of Canada generally. It is like repairing a car. If you try to put repairs on an old car, you end up with an old car. However, if you want to have a new look at Indians, you must take an entirely new approach.

For that reason, the Indian Act, although it was reformed recently, still contains vestiges of the act which was passed shortly after the treaties. Now, as the years have progressed, certain myths have grown up which have played an important part on the Indian's outlook, which includes of course, more especially, the treaties; and these myths which have been built up may be good or they may be bad.

I believe it is up to all people interested in Indian affairs generally to try to take out the bad and to proceed with the good of those myths. The main subject matter of our brief deals with the individual and the reserve Indian councils. We believe the authority of the minister, of the deputy minister, and of the chief officer in charge should be reduced, and that they should not be able to make as many regulations as they are permitted to do under this act.

Our first resolution deals with administration. And we submit that whereas under section 3 of the Indian Act, the Minister of Citizenship and Immigration may delegate his authority to the deputy minister or the chief officer in charge of the Indian affairs branch, and whereas the effect of such delegation of authority is to set up three heads of the Indian affairs branch and to increase the government of Indian affairs by regulation, be it therefore resolved that the said section 3 of the act be amended to withdraw the delegation of authority of the chief officer in charge of the Indian affairs branch, and that any delegation of the minister's powers be restricted to the deputy minister.

The VICE-CHAIRMAN: The resolutions are to be found all together at about one-third of the way through the brief.

Mr. WUTTUNEE: That is right.

Mr. BADANAI: At what page?

The VICE-CHAIRMAN: We are trying to locate them. It is about one-third of the way through the brief. That is where you will find the resolutions, starting with No. 1, on administration. It is right after page 9. It reads as follows:

Resolutions passed at the 1959 provincial conference, Indian chiefs and councillors.

Mr. WUTTUNEE: For your information we have itemized, generally, the number of sections under which the minister has power to make regulations. And these generally deal with descent of property and testamentary matters; the matter of the removal of executors and administrators; administration of wills; execution of the terms of wills and the administration of intestate successions; that is section 43, and section 44—courts may exercise jurisdiction in testamentary matters only with the consent of the minister. No court

order to be enforced without the consent of the minister relating to real property on a reserve.

Section 45: No Indian will is to be valid until approved by the minister.

Section 46: The minister may declare a will to be void.

Section 49: Possession of land to be approved by the minister.

Section 51: All jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the minister.

Section 52: The minister may administer any property of infant children and may appoint guardians.

Section 64: The minister may authorize and direct the expenditure of capital monies of the band.

Section 66: The minister may authorize and direct the expenditure of revenue monies for any purpose that *in his opinion* will promote the general progress and welfare of the band.

Section 67: The minister may order payments of annuity or interest money of an Indian to be applied to the support of the wife or family.

Section 108: The minister decides who shall be enfranchised.

And so it goes on. As if there has not been enough authority given to the minister already, the Indian Act provides for still greater authority to be given to the governor in council.

On page 2 of the brief we deal with that, first, with the powers of the governor in council. This deals again with the descent of property; timber; the governor in council may authorize the expenditure of revenue monies of the band; the governor in council may make regulations for (a) protection of game; (b) destruction of noxious weeds; (c) traffic—"Indian Traffic regulations"; (d) destruction of dogs and protection of sheep. And so on, and so on.

As if again there had not been enough regulatory authority given to the governor in council, they have a loophole section, 72-3, a general section which reads as follows:

The governor in council may make orders and regulations to carry out the purposes and the provisions of this act.

It appears that most of the regulations which are not made under any other section are made pursuant to the authority of this section. Some of the regulations are as follows:

No. 1: Indian referendum regulations:

No. 2: Indian oil and gas regulations.

No. 3: Tariff of fees.

No. 4: Disposal of forfeited goods and chattels.

No. 5: Indian quartz mining.

No. 6: Loans.

And in Section 73 they have power to make regulations in respect to the election of chiefs and councils. Can you imagine one minister in Ottawa making regulations for people to be elected?

The VICE-CHAIRMAN: We do!

Mr. WUTTUNEE: We submit with all due respect that there should be election regulations set up in the act, not as regulations, but rather as sections.

Indians are just as interested in making sure that regulations for elections are valid as any other person. And for that reason we submit that the regulations relating to elections should be set up properly and fully.

Section 75 deals with regulations governing elections—Indian band election regulations.

Section 79 deals with regulations governing meetings of band councils, regulations governing procedure at Indian band council meetings.

Section 108 deals with enfranchisement.

Section 113 deals with schools.

These sections to which I have referred are not exhaustive, because there are many other sections in the Indian act which we do not point out here.

There is one further consideration. Generally in any province where regulations are made they are subject to the scrutiny of the courts. But, unfortunately, in so far as the Indian affairs branch is concerned, the privilege of receiving judicial interpretation of these regulations is not given. Consequently, there is no control over the interpretation of these sections. It may be quite wide, depending on who is reading the regulations. And so on ad infinitum.

The situation is such that we have a minister, a deputy minister, and a chief officer in charge. But they do not make orders in the form of regulations. Nevertheless they are deciding on the destiny of the Indian from the cradle to the grave, so to speak. We have proposed an Indian Act as a guide. It is to be found at the end of this brief. We submit that their authority, their regulation making power, should be cut down very much, and that in its place there should be given a greater discretion as to policy and legislative authority to the reserves and to the Indian councils. That is what I think is needed.

We say that the Indians have for a long time—it begins to be just a trite phrase to say that they have been under paternal authority. Yet they have been, and it is obvious if you want to check it; the only way is to cut down the authority of the minister and give it to the Indians.

We deal as well with resolution No. 2, land exchange. The substance of this resolution is to provide for land exchange.

Mr. JORGENSEN: Mr. Chairman, might we be permitted to deal with resolution No. 1 before we move on to the next one?

The VICE-CHAIRMAN: Yes, I think that would be better. Are there any questions on resolution No. 1, administration?

Mr. JORGENSEN: I notice here that you say that the minister delegates his authority to the deputy minister or the chief officer in charge of the Indian affairs branch, and you suggest any delegation of the minister's powers should be restricted to the deputy minister. Is that a transfer of functions by the minister to the deputy minister?

Mr. WUTTUNEE: Yes, but we submit that it should go no further than to the deputy minister. You know, under the present section, there is a re-delegation to the chief officer. We submit it should only be a delegation to the deputy minister, and that it should be restricted to that extent.

We understand quite well that the minister could not take care of the regulations which do come up, and that she needs a deputy minister to handle some of them.

The VICE-CHAIRMAN: Are there further questions?

Mr. HOWARD: May I inquire perhaps initially of Colonel Jones who is the director of Indian affairs, whether or not he has the status of a deputy minister? Is there some similarity between the position of director and that of deputy minister?

Colonel H. M. JONES (*Director of Indian Affairs*): There is a deputy minister of the Department of Citizenship and Immigration to whom I report.

Mr. HOWARD: Yes. It seems to me from what I can recall of the recommendations of a similar committee held in 1946, 1947, 1948, and so on, that one of those recommendations was to the effect that the officer in charge of Indians affairs be given the status of deputy minister. That is what I was trying to get at, and to clarify whether it existed under your act. But Colonel Jones has cleared it up for me.

The VICE-CHAIRMAN: Are there any further questions? If not, recommendation No. 2 is next.

Mr. WUTTUNEE: Just before I leave this section, we all know how regulations do come up. In fact, the governor in council is a separate entity, and we do know that any regulations which are made are usually recommended by the minister. They would certainly not be recommended by any different minister in the cabinet. So in effect, although the governor in council is given this authority, they do take the advice of the minister.

Now, many Indian reserves are established on sub-marginal land, which in some cases it not productive at all. We submit in this resolution that there should be provision made so that these lands can be exchanged for better lands elsewhere—that is, lands which would contain the things which Indians require, such as wood, water, hay, and fish.

There is one reserve in particular which comes to my mind, and that is the Thunder Child reserve in Saskatchewan which is mostly a sub-marginal reserve; and there is another one at Dundurn. Although that reserve is marginal, they have produced very good farm stock.

The VICE-CHAIRMAN: Are there any more questions on resolution No. 2?

Senator HORNER: There are cases are there not where that has been done? There have been exchanges made. For instance, at Thunder Child, the other reserve was sold and they were moved to Jackfish lake, and to Murray lake.

Chief DAVID KNIGHT (*Vice President, F.S.I., John Smith Reserve, Davis, Saskatchewan*): Thunder Child was moved to North Turtle lake. I think when the change was made it was quite suitable, but now that the Indians farm more and more, they are in a position where they do not have good farming land.

Senator HORNER: Yes, I agree.

Mr. FRASER: I was going to ask if it was meant by that resolution that the whole reserve would be changed to a different section entirely, or just part of it.

Mr. WUTTUNEE: It could be done in various ways. We suggest a principle only. But there could be additional ones. However, there is one difficulty, that it is quite possible that the Indians would, in many cases, not desire to move.

Mr. FRASER: That is what I was getting at, because in some sections the members of the band who perhaps have work outside the reservation, would object to moving away from it.

Mr. WUTTUNEE: We suggest this section only with the consent of the people involved. It would never be suggested that it be done over their objection.

Mr. FRASER: Then how would you work it out? Would you not have to have a majority vote on it?

Mr. WUTTUNEE: Yes, I believe that would be the correct way to do it.

Mr. FRASER: You would then be up against a minority vote. Would you then put the minority in its place?

Mr. WUTTUNEE: That applies to everybody, does it not?

Mr. FRASER: Something like that.

The VICE-CHAIRMAN: Are there any further questions on resolution No. 2? If not, resolution No. 3.

Mr. WUTTUNEE: At the present time the length of service for a chief is two years. But at this meeting, at the conference that we held, it was practically unanimous that this be changed to three years, because it would give the chief a better opportunity to learn the ropes generally, and to know the act, to know the regulations, and to know how to administer. Two years is hardly enough. In fact, some of them wanted it to be longer. However, we think three years is probably appropriate.

Mr. JORGENSEN: We assume that the chiefs are all going to be good and honourable. But suppose the reverse situation occurs, and it is desirable to get rid of one?

Mr. WUTTUNEE: We bear that in mind, and we feel that it is still possible that there is provision whereby these chiefs can be removed if they are unsuitable. But bear in mind that three years would still be desirable.

Senator HORNER: Our members of parliament are elected for four years. You did not ask for that.

Chief KNIGHT: I was chief myself for one term. I just got nicely started when they broke up the reserve and kicked me out. But two years later I came back, and then I had to start where I had started from four years before. Everything was held right back.

There have been a lot of cases where a good chief has come in, and the next term—just because he did not complete his plans and so on—in the next one there is a two year drawback. In other words, he has to start at scratch.

The VICE-CHAIRMAN: I can assure you that that has happened in the House of Commons on more than one occasion.

Are there any more questions on recommendation No. 3? If not, recommendation No. 4, councillors.

Mr. WUTTUNEE: Under this resolution we have proposed that the councillors be elected to represent certain divisions, rather than councillors generally, say one for each 100, as is suggested in the Indian Act, although there are alternative methods of selection under the present act.

We submit that to standardize the procedure with area divisions would perhaps be advisable, and:

The councillors elected for the odd-numbered divisions at the election first held shall hold office for one year and the councillors elected for the even-numbered divisions for two years respectively.

That would mean that at any one given time there would be councillors who would have experience in administrative authority.

The VICE-CHAIRMAN: Are there any questions on number 4? That is their privilege now, is it not—as I understand it—to elect councillors in districts?

Chief KNIGHT: Yes.

The VICE-CHAIRMAN: And it is a two-year period now?

Mr. WUTTUNEE: Yes, although, as I say, we would prefer to standardize it, if that was put into effect generally; there are some in favour of the present situation, where there would be one councillor for every 100 people.

With respect to No. 5, declaration of office: this is only to impress the incumbent that he is taking on serious responsibility when he is made a chief or councillor of the reserve. They have no procedure at the present time whereby they should take an oath, or declaration, that they will give good service. We suggest this declaration, which is as follows:

I do solemnly promise and declare that I will study faithfully and impartially, to the best of my knowledge and ability, execute the office... to which I have been elected, or appointed, in this reserve.

The VICE-CHAIRMAN: Are there any questions on No. 5? No. 6?

Mr. HOWARD: Perhaps I could ask this question, Mr. Chairman, before we leave No. 5. Perhaps, also, this is covered elsewhere in the brief; and if so, we will get to it in due course. But the matter has been raised by other Indian bands and organizations about some remuneration payable to councillors.

The VICE-CHAIRMAN: That comes further on.

Mr. WUTTUNEE: We will get to that.

Mr. HOWARD: I did not think you would have left anything out.

Mr. WUTTUNEE: No; at least, not on remuneration. No. 6; we submit that this is one of the premises of this whole brief—that is the basis. This is dealing with incorporation and land titles.

Whereas Indians have never surrendered their reserve lands, and

Whereas under the present Indian Act "reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band and

Whereas the Indians are desirous of having the title of their lands in the names of their reserves,

Be it therefore resolved that all Indian reserves be incorporated and that title to the said reserve lands issue in the form of Letters Patent in the name of the said incorporated reserves.

Senator HORNER: Have you any resolution with regard to title, or permanency, of each individual Indian's land?

Mr. WUTTUNEE: No, we have none. We have left out dealing with individual ownership of land, because that is a mighty problem.

Senator HORNER: Because that is what?

Mr. WUTTUNEE: That is a very big problem, and we felt that we possibly should devote more time to studying that question, because it is in a very bad state of affairs. Generally the Indians believe that they own, that they each have a common interest in the land; but yet to ask some of them how much they are farming, some will say 300 acres, some will say none, and some will say 100 acres. If that is true, they obviously do not have a common interest, because some are getting more than others. If you maintain they should only receive a common interest—that is, a common share of the land, you get into further difficulties, and if any suggestion were made as to subdivision, it would create a great problem; so we did not deal with that portion, Senator Horner.

The VICE-CHAIRMAN: Are there any questions on No. 6?

Mr. WUTTUNEE: I have not finished presenting that yet, Mr. Chairman.

The VICE-CHAIRMAN: I am sorry.

Mr. WUTTUNEE: The Indians feel, as I have said, that they own the land which they did not give up. So that is basic to them. On the other side of the fence we have the government, which says that this title is in Her Majesty the Queen, for their use and benefit. However, to solidify the suggestion, so there should be a meeting of minds and a common premise to start out from, we submit there should be no doubt, and if there was no doubt you would have it in the act in these words: "Every reserve is hereby declared a body corporate under the name of the Indian reserve of so-and-so".

You would then also give the Indians the privilege of dealing as a legal entity, as a corporate body. At the present time you only have Indians dealing as a group of individuals; they have no legal status as different persons trying to negotiate other deals, whereas if you have a company or an incorporated reserve, you can deal with them as a whole. Also, in that case you do not need to go running to the minister, or to the superintendent, every time you want to transact a little bit of business.

I am sure it has been pointed out to you many times how difficult it is to transact business if you have to get the approval of the minister. Supposing you wanted to conduct the affairs of the country of Canada—which you do—and supposing every time you wanted to make a decision of any sort you went to Great Britain, just as an example? How far do you think you would get in legislation? Not very far.

Even if they want to spend a little bit of money from band funds, they have to wait for approval. There is that delay. By the time you get a reply, the opportunity has passed.

As Mr. Knight will tell you, there was the episode of his grain. They passed a resolution requiring the spending of band funds for grain. As you know, grain must be sown, by now; and they still have not heard whether they are permitted to do so or not.

But coming back to this incorporation, this is a basic problem, as we said, and the Indians have certainly never intended that the lands on which they live and which they held back should be owned by anybody other than themselves. If you stop to look at the agreements which have been entered into with the province of Ontario and the province of Saskatchewan with regard to natural resources, and if those were examined closely you would see what would happen to the land in the event that Indians were to die off.

As you also will know, at one time it was the policy of the government that they did not have to bother with the Indians, because they would die off; but now this is the only ethnic group which is increasing more rapidly than any other group in the world. As a matter of fact, only in recent years, in the last three years in Saskatchewan, they have increased by 21 per cent. So, as I often tell people, "Some day you might have to give the country back to the Indians."

Mr. HOWARD: We hope we leave it in a decent state too.

The VICE-CHAIRMAN: I believe you mentioned band funds, that you had to get permission to spend money out of band funds. Is that referring to capital, or revenue?

Mr. WUTTUNEE: Capital or revenue.

The VICE-CHAIRMAN: But in the case of revenue, I understand it is not necessary to get consent to spend that.

Mr. WUTTUNEE: Yes, you have to, absolutely. I can find it here in the act.

Mr. JONES: Most of the bands systematically prepare a budget and include all their receipts and expenditures for the coming year, just like the municipalities; and when the budget is approved, then the money can be spent, provided it is within the scope of the Indian Act. Once the budget has been approved, the money can be spent. That is revenue and not capital funds.

Chief KNIGHT: Revenue still has to be approved.

Mr. WUTTUNEE: There is no doubt about it; it still has to be approved.

Mr. FRASER: Only once a year, though—am I right?

The VICE-CHAIRMAN: That is interest from the band funds, not capital.

Mr. FRASER: The same as a municipality has to do?

The VICE-CHAIRMAN: Yes, prepare a budget.

Mr. WUTTUNEE: On the surface, that is quite all right; but in practice—and that is what we are concerned about, in practice—if you want to spend some money and you have not passed your budget, does that mean you cannot spend any money? It is the practice we want remedied. There are all kinds of theories that are desirable and may look as if they are good, according to this act; but if you come down to practice on the reserve, and need it, you are not thinking, "We should have passed a budget". Generally, you need the money then and there.

Mr. FRASER: Yes; but I look on it as a safeguard, to have a budget.

Mr. WUTTUNEE: Yes, that is good business practice all right.

Mr. FRASER: That is what I mean; it is a safeguard to the others on the reserve, and I feel that is the way it should be—have the budget, and have it approved by the council, and then approved by the Indian affairs branch.

Mr. HOWARD: Mr. Chairman, with respect to the budgeting of revenue moneys, even after you have the budget approved, the money can then only be expended for that approved budgetary item; you cannot spend it on other things if the occasion arises: you are confined to what your budget says; is that not so?

Mr. WUTTUNEE: I will deal with that later. Right at the present time we were dealing with incorporation and land titles. That is merely a tangent that we will be concerned with later.

The VICE-CHAIRMAN: Are there any further questions on this?

Mr. LEDUC: Would you be in favour of all Indians in the band having title to their land, the same as white people do?

Mr. WUTTUNEE: As individuals, you mean?

Mr. LEDUC: Yes.

Mr. WUTTUNEE: You are asking me a fiery question: you may as well ask me if they are in favour of liquor, in favour of the vote.

An Hon. MEMBER: Well, are you.

Mr. WUTTUNEE: That is what I am in favour of, that they should have the vote, they should have liquor, and they should have the same rights as you or anybody else. That is my personal opinion.

Mr. LEDUC: And the title to their land?

Mr. WUTTUNEE: Yes, and the title to their land. That is my personal opinion, not the opinion of all the people I represent.

Mr. LEDUC: When you express your personal opinion, do you believe it is the opinion of the vast majority of the Indians?

Mr. WUTTUNEE: No, it is not the opinion of the vast majority of the Indians.

Mr. LEDUC: Do you believe it would be in the interest of the Indians to have the title to their land, to have the privilege of selling it the way they want to?

Mr. WUTTUNEE: I believe it would be to the advantage of the vast majority of Indians, and the subject matter of our brief is that they should have the title, as bands, as a whole. I do not say, individually. As I told you, we did not deal with that, because that is a big problem.

Chief KNIGHT: I think there is one reason why we felt each reserve should have the title. The council in that reserve would have more responsibility and they would have more share, and we felt that they were trying to control something that they really owned. This way, they were trying to control something which was actually their own.

I have an example here. Quite a few years back everybody was farming with horses, and so on, and they were all doing good. They had a bunch of

cattle, and they were all given a piece of land. Part of the land where I come from was surveyed in river lots.

As time went on and mechanized farming came in, they did not have enough money to change over to power machinery. Therefore some of them, instead of letting their lands go idle, started to lease land. That was fine. Then just last year, just because they did not have a certificate of possession on that land, all the leases were to be cancelled; and then there was a statement came out—I have one here—and I will not name the chap involved in it; but he was actually born and raised on that farm. He got a little statement. I will read it, "I"—the name of the party—"fully understand that the land presently allotted to me for my lifetime, or at the will of the band"—and then there is the lot number, section, and so on—"will revert to the John Smith's band for their disposition if I am unable to farm this land myself, at the expiration—".

That caused a lot of fireworks and we had an awful time for a while. This thing has been held back for a year, with the idea that if there is any revision of the act, maybe there will be some justification for that. Just because we did not have the present certificate of possession, we were instructed we did not own that land, that we were just using it; and that is where the federation thought it would be a good thing if we had the land title, and then the council could control it.

Senator HORNER: To follow up that question: if you were given full title to your land, then presumably a band might decide to sell the entire lot and move away, if the majority of the council so decided. Provided the band were given title to the land, instead of its being held in the name of the crown, would that not be so—the majority of the councillors might vote to sell the entire reserve, where the minority might be opposed?

Mr. WUTTUNEE: It would have to be set up that there would be some control as the disposition of capital, which would include the reserves. We submit there would be some control that would be left, undoubtedly, with respect to how this land would be sold.

On this question of land, the act says that before a person is lawfully in possession, it has to be approved by the minister or a certificate of possession. In Saskatchewan, in areas with which I am familiar, they have no certificates of possession. Does that mean, then, that any time there is a legal problem that comes up concerning this point, the Indian department will then say, "You never had lawful possession; we did not grant you a certificate of possession"—and yet they have that provision in the act? If the provision is in there, they should be given a certificate of possession.

But, as I say, that is a problem to which you will have to give a lot of consideration, and we point out only the anomalies which arise.

The VICE-CHAIRMAN: Are there any further questions?

Mr. JORGENSEN: At the present time does an Indian band have the right to sell its reservation?

Mr. WUTTUNEE: They have to surrender it first, and then the federal government sells it for them.

Mr. JORGENSEN: How about a portion of it?

Mr. WUTTUNEE: The same procedure applies. Even for a lease, as I understand it, they have to surrender it first, and then everything is done through the Indian affairs branch.

Mr. JORGENSEN: That applies to reservations where Indians are living. Supposing you have a situation where there are no Indians living on the reservation, and they want to get rid of it; they have an opportunity to sell it to be developed, say, or something like that?

Mr. WUTTUNEE: They would still have to go through the Indian affairs branch; they could never sell it on their own—never.

Mr. JOHN TOOTOOSIS (*President, Federation of Saskatchewan Indians*): When the treaties were made at Fort Carlton, the Indians were given an understanding. They were asked whether they were going to keep a piece of land on which to live. They said yes. They were told to pick out their piece of land and the land would be surveyed. That is how we came to believe we owned the land. We never sold any of that piece of land to the crown, under the treaties. The Indians were asked if they wanted to keep a piece of land to live on. That is the way we understand it. We believe we should have the title to that land.

Mr. MCQUILLAN: Mr. Chairman, the witness says, "we", speaking for all generations of Indians, not the present generation. Is that not the way the treaty was interpreted? There were generations before you who felt they owned the land?

Mr. TOOTOOSIS: That is right.

Mr. MCQUILLAN: If they had disposed of that land, would not that be a violation of their treaty?

Mr. TOOTOOSIS: No.

Mr. MCQUILLAN: Would that not be a violation of trust to you?

Mr. WUTTUNEE: Are you suggesting there would be a violation if there were incorporation?

Mr. MCQUILLAN: I am not getting down to the technical, legal aspects of it; but in truth this land, as has been repeated here so often, is the Indians as long as the sun shines or the waters flow, or something like that. It was to be the property of the Indians. You are referring now to a particular generation, and you are saying that they should have certain rights and privileges, regardless of coming generations.

Mr. WUTTUNEE: Mr. McQuillan, when I prefaced my remarks I mentioned that there were certain vestiges still of the old colonial days in the Indian Act, and also in the approach that has been made. We submit the approach should be a new approach to this problem. I think that perhaps would be applicable to your question.

I believe you are suggesting that if the Indians were to have the privilege of having title to their lands, and if they were to dispose of their lands, that then they would not be keeping honour with the generations to come; is that right?

Mr. MCQUILLAN: That is in general; but I suggested—

Mr. WUTTUNEE: We submit, of course, that at the present time they have the reserves, and if only the title is granted to them, that does not mean that they will dispose of it: it means that it belongs to that band, and any progeny of the members of that band would continue to own it in common. From that point on we leave it up to the legislative authority, as to how they wish to distribute it.

Mr. LEDUC: Personally, I am not in favour of giving title to the Indians, and I can give you a concrete example in my riding of Maniwaki. There is a reserve right next to the village, and if the Indians were to sell it, in 10 years from now there might not be five families living there. The white people would buy that right away, and where would they go—and where would the next generation of Indians go, and the generation after that?

Chief KNIGHT: I do not think we had that in mind. The government would still have the control of the selling of the land. The idea is to give the council more privilege. For example, if I owned a car, I could do what I liked

with it. I could go any place and do what I liked with it—keep it in good shape. But the thing is now that it has been set apart by Her Majesty, for the use and the benefit of the band. The council and the people feel, "What is the use: we have no control over this. We do not own this land; somebody else owns it. We are just using it as long as we live".

That is the idea, and a lot of people have felt that way because they had no direct control on the reserve. It is not the idea of trying to dispose of the reserve. I think the majority of the Indians will try and hold their land as long as they are able to.

Mr. WUTTUNEE: The main idea in that resolution, as I said, is the incorporation. The matter of title is also important. You see two things under that resolution; first of all, you permit the band to deal legally with other people, as a body; and, secondly, you permit them to own the land in their own right. They are clear in their own minds, then, that they own it; otherwise, there is some doubt.

Senator HORNER: I say this to Mr. Knight, in regard to absolute title. We people in Saskatchewan, if we do not pay our taxes, lose our land; and the taxes are becoming heavy; a fellow has to struggle to continue to pay them. Other people in Saskatchewan are continually paying taxes.

On your reserve, for all the money you make on a reserve you pay no taxes, neither income tax—

Mr. WUTTUNEE: Except for indirect taxes, of course.

Mr. JORGENSEN: The purport of this resolution, then, is not necessarily to have the right to sell without the consent of the crown; but rather to have a body corporate?

Mr. WUTTUNEE: That is correct.

Mr. JORGENSEN: So that you do feel you have title to these lands?

Mr. WUTTUNEE: Yes, and also so there would be no doubt. Right now there is some doubt.

Senator HORNER: My own personal opinion would be that it places you in about the same position. You have the full right to enjoy these things, and if you had the other things for which you ask, really whether you incorporate the band or not, it is well run now and you are secure there.

You say you are willing to have something in the act where there would be some control over the sale of it, so I fail to see where it would create a much different position than you are in at the present time.

Mr. WUTTUNEE: You say that it is well run. That is the way it is run for the Indians; it is not the way they run it themselves. We suggest that this way they could run it themselves. In other words, the council on that reserve would run it. Later on we suggest various ideas for trying to place these people in the same position as a county or a municipality is run, with, of course, some control—not entire independence.

Chief KNIGHT: Another thing in this. All through our brief here you will notice we are stressing for self-reliance, self-responsibility, and if we can have these certain rights that we would be in possession of, we would have that self-reliance.

The VICE-CHAIRMAN: With the consent of the committee, Mr. Knight, I think probably there might be some misunderstanding about that lease form that was mentioned a few minutes ago. I wonder if we could hear Colonel Jones on that: there is some explanation for that, I believe.

Mr. JONES: Mr. Chairman, some years ago the department, with the cooperation of some of the band councils, particularly in the west, took a good look at the unproductive land on Indian reserves and worked out what they

thought was a fairly good scheme, whereby Indians that were potentially farmers would lease their land for a few years; the money was to be put in a savings account and could be used at a later date to assist that Indian, once his land had been broken, to go into productive farming.

But I am afraid it did not work out as well as the Indians, or the administration, had hoped. There is not the location ticket or the certificate of possession system on these reserves, and the bands felt that if these lands were going to remain unused by the Indian but be utilized by white people, there should be more of a band interest, rather than individual interest. As a consequence, the councils were trying to regularize proper leasing also, so that leases would be negotiated on behalf of the council and the minister. That is why these forms have come into being. They have not the individual title to their lands in Saskatchewan.

The VICE-CHAIRMAN: They have not the location tickets; and this was in cooperation with the band, that the department figured out this lease deal?

Mr. JONES: That is right.

Senator HORNER: I know there is a great deal of land leased on the reserves. Do I understand, Colonel Jones, that that money goes to an individual Indian, or to the band?

Mr. JONES: Under this new arrangement, it goes to the band; formerly it had been for the benefit of the individual.

Senator HORNER: The individual who said—

Mr. JONES: These Indians have some right, but no real possession. I think that is where the scheme broke down; and I think the band councils feel that if the land is not going to be farmed by the individual Indian himself, and it is going to be leased by white people, then the proceeds from that land should belong more to the band than the individual. That is it, Mr. Tootoosis, is it not?

Chief KNIGHT: Yes.

Mr. JONES: I am speaking in generalities, of course.

Chief KNIGHT: It worked two ways: it worked one way in favour of the person that was leasing land and had never opened up that land, as opposed to a person who opened up a piece of land. The white man came in and took all the share out of that lease, and yet he was taking a share off the band lease. He was getting advantages two or three ways. I think that is where the disagreement came in. But then the guy that opened up the land and worked the land—I mentioned this chap here who all his life was a good farmer and, through hard luck, he had to lease that land and he had to lose that land.

Mr. JONES: I do not think that under the new arrangement there was any intention, if a man demonstrated his ability to farm, that he was going to be harmed. I think both the band council and the department want that Indian farmer to continue.

Mr. WUTTUNEE: To exemplify the situation. Supposing I had been farming on there and had 300 acres and decided, "I do not want to farm any more, and I will get somebody else to farm it." So I lease the land and then they come and farm there. Bingo, it goes to the band. Supposing a friend does no farming, and I am leasing 300 acres, and he is going to do the same thing—He cannot do that. There is the arbitrary decision there as to where that money should go, and it stems from land ownership as to where it lies.

The VICE-CHAIRMAN: There is another section, 33, which deals with leasing.

Mr. WUTTUNEE: The next resolution deals with remuneration for chiefs. As you know, probably, under the treaties chiefs get \$25 a year. We have

computed that the purchasing power of the dollar in 1880 and the purchasing power now, there is a difference of 30 cents. So, in effect, they are paying them \$7.50 a year now. We submit under this, that since they spend so much time running around undertaking affairs of the reserves, acting as policemen and everything under the sun, and since he is not getting paid a cent—or \$7.50, we submit that he should be paid some money. We suggest that he should be paid \$350 a month; and we have a suggestion as to where it should come from. According to figures given to us, there are 66 bands in Saskatchewan which are administered to by approximately 57 agents. If these assistant agents are paid approximately \$3,600 per annum, we suggest you pay the chiefs instead, because they are the ones—with all deference to the assistant agent and agent—who do most of the work on that reserve. There is a certain amount of administration that has to be done, but there, I think, you would be meeting the problem. There would be possible variations, in that some would not be entitled to \$350 a month for the services they rendered; but we are suggesting that principle for your consideration.

Senator HORNER: Where do you suggest this money should come from?

Mr. WUTTUNEE: I have already suggested it. We have said that there are 57 agents administering to 66 bands. There are 57 administering to 57 bands, individually, and 9 administering to two bands each. If you were to replace those agents and pay the chief instead—where, I suggest, it would do the most good—then you would perhaps have better administration, and the chiefs could devote their entire time to it—that is, if you want good men to run the reserves.

The VICE-CHAIRMAN: These are assistant agents you speak of now?

Chief KNIGHT: Nos. 7 and 8, they work together.

Mr. WUTTUNEE: We are dealing with resolution No. 8, as well. No. 8 says:

Whereas at the present time there is an assistant agent on various reserves and, whereas it is desirable that the council of a reserve exercise its freedom and independence, be it therefore resolved that all assistant agents be removed from the said reserves.

—and we mean, to replace them, by paying the chiefs instead.

Also at the end of our resolution No. 7, we said:

Be it therefore resolved that a chief shall be paid by the minister at least the sum of \$350 per month and a further sum of \$500 per annum for his annual expenses and that the chief be furnished with a tailored suit and hat duly decorated with brass buttons and gold braid—or if the chief chooses with a business suit and hat within six weeks of his appointment.

The reason we have suggested that is that under the treaties they are apparently entitled to that; but, however, these suits quite often do not come till they have finished their term. If it could be done in a matter of weeks, it would have some effect. Also there has been a policy to appoint Indians as assistant agents. There is David Greyeyes, the superintendent at Touchwood. People like him would go back to the reserves they come from, and would be paid to run that reserve. When they remove these people from their reserves to go somewhere else, they remove one of the best men on that particular reserve.

Senator FERGUSSON: But when they go back they only have a short term as chief?

Mr. WUTTUNEE: Yes. We suggest three years.

Senator FERGUSSON: If they are now acting as agents, they would have a permanent job. Would that be to their advantage?

Mr. WUTTUNEE: Yes, for four people; but the other way you would be considering sixty seven chiefs.

Senator SMITH: To what extent are these assistant agents drawn from the personnel of the band? Is it the band they belong to, or some other band, as compared with outsiders sent in by the department?

Mr. WUTTUNEE: In Saskatchewan there are four Indians employed as such.

The VICE-CHAIRMAN: Any further questions on resolution 7 and 8?

No. 9.

Mr. WUTTUNEE: We deal here with the powers and duties of councils:

Whereas the authority of Indian councils under the present act is very restricted, and whereas the said authority may not be inconsistent with the Indian Act or with and regulation made by the governor-in-council or the minister, and whereas the effect of section 80 of the Indian Act which confers power on the councils is to acquire at all times the permission of the Indian affairs branch before any important or minor step can be taken by the said councils, be it therefore resolved that the power of the said councils shall include the power to make laws for the peace, order and good government of the reserve and in addition to the powers presently conferred by the said Act, there be added—

etc.

We are merely shifting the powers from the minister to the councils. It is the present set-up in municipal government generally. You do not have the minister interfering in any sort of municipal business, and we suggest neither should the Minister of Citizenship and Immigration be permitted to make regulations with respect to Indians on the reserves. This way we leave the residue of the authority to these people, rather than the residue of the authority to the minister, as it now is.

This will give authority to the band councils to purchase, lease, or otherwise acquire for the use of the reserve any estate in landed property, within or without the reserve for any purpose whatsoever. As we have said before, we are trying to give them independence; and this is one way of giving them independence.

The CHAIRMAN: Then in sub-section (2)?

Mr. WUTTUNEE: It would also serve to unite with the councils of other reserves, cities, towns, villages, or municipalities for the construction or maintenance of any public work, or for the performance of any matter or thing deemed by all councils concerned to be of benefit to their respective municipalities and reserves.

In certain areas, reserves are close together, and they could do things as a group rather than individual bands. This way they could unite to do anything.

The VICE-CHAIRMAN: Have you no municipal affairs in the province of Saskatchewan?

Mr. WUTTUNEE: Yes we have.

The VICE-CHAIRMAN: I suggest to you that some municipalities have not everything to say about their plans either. Are there any questions on No. 9? No questions on No. 9? No. 10.

Mr. WUTTUNEE: In resolution No. 10 we are dealing with the integrated school system, where it reads as follows:

Whereas the integrated school program of Indians and non-Indians is having very beneficial results and, whereas it is desirable that the said program be extended and accelerated, be it therefore resolved that

the Indian affairs branch be commended in the adoption of such a program and that they be asked to extend and accelerate it as much as possible.

I notice, in dealing with the previous reports of this committee, that you have asked certain questions as to how non-Indians were receiving the Indian. We would like to point out the situation which existed in Saskatchewan. This incident happened at the village of Cando, which is located about 40 miles south of Battleford in the province of Saskatchewan. The village is only ten miles from the Red Pheasant Indian reserve and the Mosquito-Grizzly Bear reserve.

During the winter of 1958-59 Chief Gavin Wuttunee canvassed his Indians and finally convinced them of the benefits of integrated schooling. A meeting was then arranged with the residents of Cando, the members of the school board, the Indian Affairs branch, and Chief Wuttunee on this point. It was quite a battle, to try and convince the people of Cando they should accept the Indians. They turned thumbs down on the proposal. They said, "If we let these Indian children come to school, the first thing we will know is that we will have Indians coming to live here." Gavin said, "Do you mean that if I wanted to come and live any time I wish to that I couldn't?" They said, "No, not you, but the other Indians." They said, "We will take some of the children." He said, "You will take all of them or none at all."

They have been considering arrangements to send them to Battleford, some 30 miles away, which doubles to make it 60 miles. So it is three times the distance to Cando, because Cando is only 10 miles away. This is given as an example as to whether or not the non-Indians are accepting the Indians.

Mr. McQUILLAN: Is that not the exception, rather than the rule?

Mr. WUTTUNEE: Yes.

Mr. FRASER: An isolated case.

The VICE-CHAIRMAN: Are there any questions on No. 10 ladies and gentlemen?

Mr. WUTTUNEE: No. 11 deals with written agreements:

Whereas there is great value for Indian children to be educated in the same school as white children and

Whereas the responsibility in matters of education, according to the treaties, lies with the Indian Affairs branch and continues to be the responsibility of the Indian Affairs branch even when the Indian children attend public schools and

Whereas there can arise serious misunderstanding when agreements are made between local school boards, the Indian Affairs branch, the Department of Education and Indian bands when agreements are made to provide integrated schooling

Be it therefore resolved that the F.S.I., urge all Indian councils to insist upon written agreements involving the four parties mentioned above before allowing their children to attend public schools.

Senator HORNER: Have you taken that matter up with the provincial government?

Mr. WUTTUNEE: It would involve everybody actually. It would involve the federal government, because they contribute a portion of the finances to this arrangement. It would include really all four bodies, the Indians, the school boards, the provinces and the federal government.

We have also dealt here with school buses. In some areas apparently they have not been using very desirable conveyances. For instance, open trucks. We

submit that every effort should be made to hire proper school buses in a sufficient number to enable the children to have better transportation and also to provide comfort for them.

The VICE-CHAIRMAN: You are also dealing with No. 12, school buses.

Senator HORNER: It all sounds very sensible to me.

Chief KNIGHT: I might add something here. Last fall we had an example at Marcellin where the Muskeg band amalgamated with the Marcellin school. They were transporting their children to the Marsden school. It was a very bad year and as far as I can gather the bus broke down and the parents had to start transporting the children. There were cars all along the road with broken axles. Half the children were not going to school. I think that is why we brought in the resolution. The roads should have been there before these children started out. There is no use after half the children are at home. There was no written agreement in effect.

Senator HORNER: I understand the buses now are running quite satisfactorily.

Chief KNIGHT: Yes; but at that time it was very bad and there were no gravel roads. On the roads leading to the reserve they had an awful time.

The VICE-CHAIRMAN: Shall we carry on with one more before we adjourn.

Mr. WUTTUNEE: We have dealt with Indian adult education:

Whereas the adult education division of the provincial government is presently sponsoring evening classes for adults in communities throughout Saskatchewan and

Whereas there is not now any organized adult education for reserve Indians, and

Whereas such practical courses as basic reading and writing, sewing, cooking, welding, motor mechanics, agriculture, etc., are of vital interest to Indian adults

Be it therefore resolved that:

(1) The F.S.I. request the adult education division to offer an experimental series of such programs and to situate such courses on reserves or at a point accessible to several reservations.

(2) That the F.S.I., request the Indian Affairs branch to share costs in this pilot scheme in Indian adult education.

Now-a-days there is a trend to have as many adult classes as possible and we feel the Indian should have that privilege as well.

Senator HORNER: In respect of the gravelling of the road to Muskeg I would suspect it will be done before June 8.

The VICE-CHAIRMAN: We will adjourn now and come back at 3:30. We will meet in this same room and continue on with No. 14.

AFTERNOON SESSION

WEDNESDAY, May 25, 1960.

The VICE-CHAIRMAN: Well, gentlemen, we are getting away to a good start this afternoon. There is a quorum here now. It will ask Mr. Wuttunee to start in again with No. 14—is that right?

Mr. WUTTUNEE: Yes, that is right.

This resolution, gentlemen, deals with vocational training. It is a suggestion along the same lines as Indian adult education—that there should be a sharing of costs.

It is presently compulsory for Indian children to attend school until 16 years of age and if young Indians are to be properly equipped at skills enabling them to find profitable employment, then it is desirable that the right kind of training in their formative years be given to them so that they may become self-sufficient citizens leading useful lives in society.

In this regard we have received a letter from the Prince Albert Indian residential school. The teachers there have suggested "that students who are unable to master the academic work of high school be provided with vocational training courses that will enable them to secure employment in the trades. The stress would be placed on the students who could not attain grade IX or X standing.

That a course be offered to the girls who wish to take work as home aids. This course would stress child care, meal planning, and general household management."

That is what we had in mind when we suggested resolution No. 14 dealing with vocational training.

The VICE-CHAIRMAN: Are there any questions, ladies and gentlemen, on No. 14?

No. 15?

Mr. WUTTUNEE: This deals with home and school associations. There is a desire among the Indians of Saskatchewan to know more about the progress of their children and to take part in their education. This resolution suggests that the Indian affairs branch be urged to give all its support and assistance to the formation of such organizations and, be it also resolved that each band council take the initiative in interesting the parents in the values of those associations and in contacting the Saskatchewan federation of home and school associations, with requests for organizational help.

Now, they have started, of course, with school committees, and these are working out quite well. The people on the reserves really like to take an active interest, as do people off the reserves. A great many times non-governmental organizations ask what they can do and this is one thing the home and school associations can do.

In order to maintain the interest of the children in their school work, we have suggested certain prizes for them and resolution No. 16 deals with that.

Coupled with that resolution is resolution No. 17. We have suggested that an Indian who's who be prepared. This resolution reads as follows:

Whereas there are many successful Indian businessmen and university graduates and

Whereas it is desirable to furnish a goal for Indian children and to inform them of the need for a good education, and whenever Indians desire other information to be included in the booklet such as treaties, the things they are expected to meet outside the reserve, such as employment, taxes, housing and hospitalization.

Be it therefore resolved that a booklet be compiled containing information, among other things, about such Indians and their accomplishments, treaties, and so on, and that the said booklets be distributed to Indians.

This would be some goal for the young student to attain, if they could follow in the footsteps of some of their people.

The VICE-CHAIRMAN: Are there any questions now on No. 15, 16 or 17?

No. 18.

Mr. WUTTUNEE: With respect to resolution No. 18, notification of services.

Whereas, many Indians are not aware of the services provided by certain officers of the Indian affairs branch, namely the superintendent of education, and the placement officer and

Whereas it is desirable to acquaint all bands with such services.

Be it therefore resolved that such personnel meet the bands and fully acquaint them with the services they have to offer.

Especially the placement officer—he is a relatively new person and the bands in Saskatchewan, being scattered far and wide, do not have the opportunity to know just what service is available to them and this resolution requests that these people visit the reserves and acquaint themselves with the people, so that the people will know what they are getting.

The VICE-CHAIRMAN: Are there any questions on No. 18?

Senator HORNER: Well, who do you suggest should visit the reserves?

Mr. WUTTUNEE: It is the people involved. For instance, the placement officer himself could visit the various reserves when he is first appointed and meet with them. He would not have to visit them all at once, but certain agencies at least.

Mr. SMALL: Mr. Jones, have you anything to say on that?

Mr. JONES: As Mr. Wuttunee said, our placement officer for Saskatchewan is one of the last ones we have appointed, and I do not think he has had an opportunity yet to get around to all the bands. But we will follow that suggestion and ensure that he introduces himself and our program to all the bands this year. He was just appointed not too long ago. That is a good recommendation, Mr. Chairman.

The VICE-CHAIRMAN: Are there any further questions?

No. 19, Indian health services.

Mr. WUTTUNEE: With respect to Indian health services, the federal government, I believe, has adopted the attitude that they do not have a legal responsibility to furnish health services, but rather somebody has to do it, and they have had the privilege of giving these services, whereas the Indians, under their treaties, say that the federal government is obligated to give health services, hospitalization and so on.

These contradictory approaches to health service make it difficult for the parties concerned to understand each other, because many disputes arise as to who is responsible for Indians between the provincial government, the municipal governments and the Indian health service. Everyone takes the position, "Well, as the federal government is responsible otherwise, they are also responsible in the field of health".

From a legal point of view, a case was decided in the Exchequer Court in 1935 called Chief Dreaver et al versus the Queen. In that case Mr. Justice Angers decided that the term "medicine chest" meant all services, that is, medical, dental and health services and hospitalization by virtue of the provisions in treaty No. 6. Now, treaty No. 6 takes in northwestern Saskatchewan and part of Alberta. Since then that decision of the Exchequer Court is binding law on the Indian health service.

Coupled with this, there has been the issuance of hospitalization cards, under resolution No. 20. Indians get the hospitalization cards. However, they are objecting because it implies that some day they are going to be asked to pay for hospitalization, and since the treaty apparently guarantees them hospitalization, then there is no necessity to issue hospitalization cards, but rather Indian identification cards for them. Then there would be no doubt in their minds that they would continue to get free service.

That is the main purport of resolutions No. 19 and No. 20.

Mr. SMALL: Can Mr. Jones give us his comments as to just what it is the Indians are entitled to, under the act?

Mr. JONES: Dr. Moore is here, Mr. Small, and I would be glad to sit down and let him take over.

Dr. MOORE: In the first place, Mr. Chairman, I think this so-called Mistawis judgment is the most misquoted one of all judgments. I am not a lawyer, but for the benefit of the committee it is only a suggestion on my part that a member of the Department of Justice might explain just exactly what that judgment was. It is in nothing like the comprehensive terms that have been outlined in the brief. I am not going to dwell on that any further. I will leave that thought with the committee.

As for policy, in every province where hospital insurance is in effect, we have paid or arranged that every Indian in the province, resident on an Indian reserve or living the Indian mode of life, is covered in exactly the same manner as are other citizens of the province, and where premiums were in effect we have paid the premiums. Where co-insurance is in effect we pay the co-insurance, except we always make the reservation that if the person is in a financial position, the individual or band, and are able to contribute towards their own medical costs, we believe it is both in the best interests of the Indians and of the country as a whole that they be required to do so.

That is the policy that has been enunciated to us to follow. To come back to the question of the legal rights, I think the only mention of medical services in any of the treaties is this one referred to. As I say, there is a very much different interpretation to that given by the Department of Justice than is recorded in this brief.

I do not think that the government has failed to live up to its moral obligations. I think that the Indians across Canada have as comprehensive a medical service as any other people in the country. Certainly in the rural parts of the country in many, many areas our service is much better and gives a more comprehensive coverage than other individuals in the country are getting. Our nursing service, our public health services and our treatment services are stressed.

Was there another point in this brief that I had missed?

I might cite, for the benefit of the committee, since a judgment has been referred to, a legal judgment also in a Saskatchewan court, and that is the case of Louis Prosper who was in an automobile accident and badly injured. His hospital and medical costs ran up to something in the neighbourhood of \$10,000, which we paid. There was insurance involved and we recovered from the insurance company.

The only amount in dispute was some \$5,000 that we had charged for his maintenance in one of our own hospitals, our North Battleford Indian hospital. This was in dispute by the insurance company as they claimed this Louis Prosper, being a treaty Indian, had legal rights to the benefits of that treatment in our hospital. We said no, we provided this for Indians who were unable to obtain it for themselves, or where there was some other responsible person liable. The judgment was given in favour of us and we collected for Louis Prosper's care while he was in our hospital some \$5,000, as well as the other \$7,000 or \$8,000 for injuries incurred. This was quite over and above the judgment which Prosper got for his own damages for the injury he had suffered.

If there are any other questions I shall be glad to answer them.

Mr. SMALL: How do they fit into the new hospital policy that has been adopted as of last year? Do they come under the plan?

Dr. MOORE: The Indians are all insured in every province where insurance is in effect, and have exactly the same status as any other person. There is

one exception. I said we pay all the premiums. Now, if an Indian is employed in an area where there are payroll deductions for premiums, we expect the Indian will pay by payroll deduction the same as the fellow who works beside him. We also expect an Indian employed by the federal government as a school teacher, or in a similar position shall pay the same as another individual employed in a similar position, at a similar salary. It is in cases such as that that we say there is not free entitlement, fully, to Indians.

It has been asserted and reasserted that no Indian will be allowed to lack medical care because of a financial barrier. We do look after them, and there has been no attempt made to collect from Indians unless they are gainfully employed, in which case there is a wage deduction.

Senator HORNER: Dr. Moore, would you care to comment on the objection to the cards? Is it necessary under your system that they use a card, the same as other people?

Dr. MOORE: Oh yes, it is, sir. It is very necessary for accounting purposes. The number of that card identifies that Indian and his band and it is used by the hospital for charging back for their collection purposes, from the hospital insurance fund. It is used for our purpose for statistical reasons, and where co-insurance is involved,—which is not in Saskatchewan,—but it is necessary for that, also.

There is one more question I did not answer and which I read in the brief, but which was not referred to, and that is the 12-month residence, that we shall assume and continue to pay all medical costs after 12 month's absence from a reserve. We qualify that by saying, 12 month's absence with residence established on land assessed for taxes. Therefore, that Indian becomes a resident of the municipality and is legally entitled to any other benefit that any resident of that municipality is entitled to.

Now, that does not entitle him to free medical service. But if he becomes indigent, he gets the same treatment as an indigent—as any other indigent who is resident in that municipality.

I may say that our relationship with the province of Saskatchewan has been most satisfactory. Before the advent of this dominion-provincial agreement on hospital insurance, the Indian who was absent from his reserve for more than 12 months was accepted for hospital insurance, under their scheme.

An example of this cooperation is this recent hospital that has just been built; one of the finest hospitals in the area, at Lac La Ronge, which is a 50-50 proposition between the federal government and the province. The province is running it on a cost-sharing basis with us. It is indeed a great facility for that area.

Mr. HOWARD: Dr. Moore, under the department's health service, do you pay the premiums on behalf of the Indians, or do you pay the hospital charges if the Indians are hospitalized?

Dr. MOORE: Wherever insurance is in effect, the Indian is in exactly the same position as anyone else in the province. In British Columbia, when there was a premium system, we paid the premiums. Now, we pay the co-insurance, the Indian pays sales tax, the same as everyone else in the province, and he gets the same benefits and entitlements.

I must say in connection with the British Columbia hospital insurance commission, that any time there was a complaint of any discrimination against Indians being admitted, they were investigated very fully and necessary steps taken to see that it did not occur again. Indians are given every privilege for admission to British Columbia hospitals, as they would be in any other province.

Mr. HOWARD: In Saskatchewan, where there are premiums, you pay the premiums?

Dr. MOORE: We pay the premiums for every Indian living on a reserve, or living the Indian mode of life.

Mr. HOWARD: Just the same as any other person?

Dr. MOORE: Yes.

Mr. WUTTUNEE: In Saskatchewan, those people not living on reserves, or being treaty Indians and not following the Indian mode of life, you do not pay their premiums?

Dr. MOORE: Not if they are established and self-supporting on land assessed for taxes.

Mr. WUTTUNEE: That substantiates our fears. First of all, there is some dispute as to who is responsible for these people in the cases which I have cited—

Mr. BALDWIN: Have you the citation for that case?

Mr. WUTTUNEE: It is an unreported case, dated April 10, 1935, Chief Dreaver and others.

Mr. BALDWIN: Supreme Court of Canada?

Mr. WUTTUNEE: No, Exchequer Court of Canada. I obtained a copy of that judgment in preparing this brief, but I did not bring it with me. It is available.

Mr. BALDWIN: Do you know what volume?

Mr. WUTTUNEE: It is unreported. You would have to obtain the judgment.

Mr. BALDWIN: Have you a copy available?

Mr. WUTTUNEE: I have one at my office, but not here, I am sorry.

This question of the hospitalization cards: You will notice the reply of Dr. Moore says where those people are self-supporting or living on taxed land, in other words, off the reserve, they pay their own.

Well, that clearly indicates that Indian health service intends to ask other people who will be self-supporting to pay their own hospitalization program as well. That is the fear that we are directing to your attention. We want it understood that we feel that the Indian health services adopt the attitude that they are not legally responsible, but they only do so because somebody has to be responsible, and that what they are handing out is welfare gratuitously.

Mr. BALDWIN: I wonder if the witness could send to the chairman or to the clerk of the committee a copy of this judgment, so that we might have an opportunity to examine it. I wonder if Dr. Moore would make available to us the citation of the case to which he referred, because if this case has the implications that the witness suggests, then it would have a considerable effect on any recommendation we might make.

Dr. MOORE: I think we could obtain that citation. We have taken the matter up with the Department of Justice; and the ruling, as I recall it, is—I think there are probably people here who are better qualified to answer than I am—but I think the ruling was to the effect that band funds were used without the consent of the band to pay certain charges which had to do with education, and the purchase of some drugs; and I understand that His Lordship ruled that the drugs under this treaty should have been supplied and not charged to the band fund without the consent of the band. And that His Lordship never gave a ruling in the way that this brief suggests.

Mr. WUTTUNEE: Mr. Chairman, I take objection to the apparent suggestion that I am misquoting. With all due deference to Dr. Moore, I think the subject matter of this decision was to that very point. This was the only treaty which contained the term "medicine chest", and that no other treaty contained that term. Therefore this treaty would apply only to those Indians falling under treaty No. 6.

Mr. BALDWIN: Thousands of cases have varied, following the interpretation of cases. Perhaps we might ask the Department of Justice to check on it.

The VICE-CHAIRMAN: Is it the wish of the committee that those two cases be brought before the committee and that they be placed on the committee record with the clerk? Agreed. Will you send it to me?

Mr. WUTTUNEE: You could obtain it from the Exchequer Court records. They are just down the street here. All you have to do is to give them the date, and the registrar will give you the record. The citation is Chief Dreaver and others versus The Queen, and the date is April 10, 1935, and Mr. Justice Angers presided.

The VICE-CHAIRMAN: Are there any further questions on items 19 and 20?

Senator HORNER: Who was counsel for the tribe?

Mr. WUTTUNEE: The counsel came from Prince Albert.

Mr. BALDWIN: I have a question on recommendation No. 19. I do not know if the witness would know this, or Colonel Jones; but it is suggested in recommendation 19 that parliament should enact a statute relating to Indian health services. I think there are Indian health services established under the authority of some act, but under what act are they established? Is that not an answer to this request? Under what act, if any, are the Indian health services established? I know that Indian health services come under the Department of National Health and Welfare now, but does anyone know the name of the act under which they are established?

Mr. WUTTUNEE: We understand—and that is our complaint—that there is no act in effect so far as we know. Consequently, the only thing they can administer—according to the regulations given to them, there is some doubt as to what they can do, and the various officers really do not know how far they can go in administering this service.

Senator HORNER: I think it was the Prime Minister who said that.

Mr. WUTTUNEE: That is possible.

The VICE-CHAIRMAN: Are there any further questions on resolutions 19 and 20? If not, resolution 21.

Mr. WUTTUNEE: Resolution 21 reads as follows:

21. Federal-Provincial Conference.

Whereas Indian health services and other services affecting Indians have become matters of jurisdictional and constitutional dispute between federal and provincial authorities. And whereas it is desirable that a greater degree of cooperation on all matters affecting Indians be exercised between the federal and provincial governments.

Therefore be it resolved that a Dominion-Provincial conference be held when provincial governments are submitting their briefs on Indian affairs and that representatives of Indians be present and that Senator Gladstone use his good offices to arrange such a conference.

The object of that is that there could be a Canadian wide discussion of these problems with the appropriate government heads of the various provinces and of the federal government as well, so that there could be some sort of policy adopted across Canada on these various points.

Senator HORNER: Do you find any difficulty or lack of cooperation with the provinces or with the department?

Dr. MOORE: I think we have enjoyed the very best of relations with the provincial departments of health, and in many areas to avoid duplication of services we do the service on their behalf in some of the remote areas, while in many areas, in the more settled parts we arrange for coverage particularly in matters of public health, public health nursing, or public health supervision, and that without exception all departments of health are giving us excellent cooperation.

Mr. WUTTUNEE: You will notice that we suggest in our resolution other services as well, which would include roads, telephones, and electrification. We set forth Indian health services, but there are many other and various aspects as well.

Mr. SMALL: But they are separated from the other services, something like the health and welfare of the whole country. You could not tie them all into one service. And this is so far everybody in the country. I think it operates on that basis.

From the explanation the witness has given I do not think they would care to see it changed, because it is working so well. It might have some imperfections in it, but I think they are trying to eradicate them.

Mr. WUTTUNEE: We are merely trying to clarify the legal responsibility.

The VICE-CHAIRMAN: Your road services and telephone lines are taken care of in further resolutions. Are there any further questions on resolution No. 21?

Resolution 22, social aid.

Mr. WUTTUNEE:

Whereas band funds are presently being spent on social aid and, whereas band funds should be used for the general benefit of the whole reserve and, whereas the cost of social aid can be very expensive, be it therefore resolved that the federal government be requested to meet the cost of social aid.

The Indian affairs branch have been expecting the local councils to look after their indigent Indians out of band funds. That is a very unfair attitude to adopt, because it is well known how expensive it is to provide for social aid to people; and to take the money out of the band funds and use them for the support of a few indigent persons, I think, is asking too much.

In certain areas grants are made to municipalities for this purpose, and we are suggesting—and, I think, quite fairly so—that social aid should be provided for either by Dominion-provincial agreement or by the Indian affairs branch.

Mr. BALDWIN: What do you define "social aid" as being?

Mr. WUTTUNEE: Any aid required by an indigent Indian.

Mr. HARDIE: Does the Department of Indian Affairs make grants or spend money in regard to that?

Mr. WUTTUNEE: They have been spending some relief.

John, perhaps you know some specific circumstances where this has been done. There have been many specific instances that have come to our attention, where they said, "You spend your money in the band's funds to look after the indigent Indians."

Mr. HARDIE: What was the reason given?

Mr. WUTTUNEE: I do not know.

Mr. HARDIE: Could either of the other two delegates say?

CHIEF KNIGHT: This is how we operate. We budget so much for relief, or whatever we call it. From then, since this new scheme came in last year, when our budget petered out the Indian department stepped in and filled the gap until the end of the fiscal year. This year we had to increase our budget. We increased it by \$1,500 this year. That, I believe myself, will not be sufficient. Therefore, again, the Indian department will have to step in.

What the people had in mind was that next year the first thing we are going to do is to pay for social aid ourselves; whereas now we are decreasing our local improvements on the reserves, such as roads, building houses and things like that. We are going to take that money out of there and decrease our local improvements in the reserves.

Mr. WUTTUNEE: Because you have to pay for social aid?

Chief KNIGHT: Yes, because we have to pay for social aid.

Mr. HARDIE: I wonder if you could tell me what the total amount is that is spent by the Indian affairs and through the band funds for social aid, say for last year?

Chief KNIGHT: I would not have the figure right off-hand.

Mr. HARDIE: This \$1,500 you paid last year, what percentage would that represent of the total?

Chief KNIGHT: We put in \$1,800 two years ago. This year we put in \$3,300, an increase of \$1,500 for this year. But then we figure that by December that will have petered out. It depends on what conditions we are in this winter, whether it is a hard winter. If there is no work available, naturally pretty near the whole reserve has to go on relief, on social aid. It is pretty hard to specify what we are going to spend this year.

With the old rationing scheme our budget was very small towards that; but with the new scheme it is three times higher, and it is hitting our band funds three times as hard.

The VICE-CHAIRMAN: That is from your revenue?

Chief KNIGHT: Yes.

Mr. HARDIE: This is the new ration schedule?

Chief KNIGHT: That is the social aid, instead of the rationing system. We had the new social aid come into effect last year, April 1.

Mr. HARDIE: They pay by cheque?

Chief KNIGHT: Yes, they pay by cheque.

Mr. HARDIE: To an indigent?

Chief KNIGHT: Yes.

Mr. HARDIE: An indigent on your reserve who draws rations receives from the Department of Indian Affairs a cheque covering a monthly ration for himself and his family?

Chief KNIGHT: Yes, you go by the neighbouring municipality, by the rate the neighbouring municipality pays—18, 15, and the next you get is under 12 years of age.

Mr. WUTTUNEE: How much does your band pay?

Chief KNIGHT: This last year \$1,800; and this year we budget \$3,300.

Mr. WUTTUNEE: You make payments for the social aid from your band?

Chief KNIGHT: Yes, and that peters out, and the Indian department puts in the rest.

Mr. HARDIE: Is this in addition to what the Indian Affairs Department pay out in social aid—is this subtracted?

Mr. WUTTUNEE: The answer is this, that the band are asked to pay social aid, and in cases where they cannot pay it somebody has to pay it, and the government steps in. However, the question is, you pay the social aid out of band funds.

Mr. HARDIE: I wonder if Mr. Jones could enlighten us on this?

Mr. JONES: I think this same question was brought up by the delegation representing the association of Indians from Alberta. Then, on being asked to speak, I mentioned that section 66 of the act provides that the first charge on the revenue of a band is for the care of indigents. 87 per cent of all welfare costs in Canada last year were borne from appropriation. The band funds paid out, for relief, \$819,083.09. In the same year appropriated funds for welfare purposes were \$5,175,708.

I think what the delegates are objecting to is any amount at all from their revenue funds being spent for what we call social welfare relief. They feel it should be a charge against the appropriation, the same as for bands that are not fortunate enough to have any band funds.

Mr. HOWARD: I wonder if I might ask Colonel Jones, while he is there, and Mr. Wuttunee too, whether it is possible for the Indian Affairs branch to spend revenue monies on welfare without the approval of the band council?

Mr. JONES: Section 66—

Mr. WUTTUNEE: Section 66 reads:

- (1) with the consent of the council of a band, the Minister may authorize and direct the expenditure of revenue moneys for any purpose that in his opinion will promote the general progress and welfare of the band or any member of the band.

It says "with the consent."

The VICE-CHAIRMAN: Mr. Howard asked Colonel Jones.

Mr. WUTTUNEE: I am sorry.

Mr. HOWARD: It has been represented to me it has been done in some instances without consent.

Mr. JONES: This is on page 21, section 66 (2):

The Minister may make expenditures out of the revenue moneys of the board to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band and to provide for the payment of contributions under the *Unemployment Insurance Act* on behalf of employed persons who are paid in respect of their employment out of monies of the band.

The Minister does not need any consent of the council or of the band. Relief is in the first charge.

Mr. HOWARD: Do you know in how many instances or to what extent this has been done?

Mr. JONES: It is done all the time.

Mr. HOWARD: Without the consent or knowledge of the band?

Mr. JONES: No, in the budgeting. We suggest to bands that have revenue funds that their first thought should be for the less fortunate. If they budget for a reasonable amount in relation to good government or other matters like roads, bridges, culverts and projects like that—then it is approved. That has always been government policy, as outlined by the act, that the first charge, without consent of the Indians, should be the care of the less fortunate.

Mr. HOWARD: I think I have got it. This is what I understood. The minister may spend revenue monies without the consent of the band or the council, for welfare?

Mr. JONES: It is as I read it in subsection 2. There are just those cases.

Mr. HOWARD: Then I said, to what extent or in how many instances has this been done without the consent of the band?

Mr. JONES: All that the branch can advise the bands to do is to budget in advance, and we suggest they do that in arriving at their expenditures for the ensuing year and make a reasonable allowance for assistance to the indigent.

Mr. HOWARD: If they do not so budget, the minister can authorize payment anyway?

Mr. JONES: If the band funds are sufficient to provide a certain amount for indigents and the band will not do it, the minister may under the Act. 87 per cent of the relief in Canada is paid out of appropriation.

The VICE-CHAIRMAN: That is only in the case of revenue, and not capital, from the band funds.

Mr. JONES: Yes.

Mr. MARTEL: Could Mr. Jones tell us what is considered as being the minimum revenue in respect of band funds to be used for such relief?

Mr. JONES: I do not think there is any minimum. If it is just a few hundred dollars there would be no point. If they will apportion a reasonable amount to carry the band for say three months, if they have gone that far, we will carry it the other nine months.

Mr. HARDIE: What would be the annual revenue from the reservation about which you speak?

Chief KNIGHT: Roughly \$35,000 a year on the average.

Mr. HARDIE: Of which you pay \$1800 towards indigent persons.

Chief KNIGHT: This year it is up to \$3300.

The CHAIRMAN: This year you have budgeted \$3300 for social aid.

Chief KNIGHT: Yes.

Senator HORNER: Your chief revenue would be from the rental of land.

Chief KNIGHT: Yes.

The VICE-CHAIRMAN: Resolution No. 23, allocation of welfare housing.

Mr. WUTTUNEE: Before we go on to that point, there is still the matter of the geriatric centres which we have suggested be established. There are many aged persons living with relatives. To give an example of some of the problems, we would like to refer to an 88 year old man who was living with his blind son who was in receipt of a blind pension. The son was looking after his wife and three children. The children were aged 12 weeks, 2½ years and 6 years old. The whole family was living in a tent on Poorman's reserve in the Touchwood agency. It was in late October and there was snow on the ground. Therefore, we would suggest that some provision be made for these old persons so that they would not constitute a burden on their immediate relatives.

I would like to indicate the kind of conditions which exist on reserves with respect to this. For instance, up to June 30, 1959, on 21 reserves there was a population of 8400 people. At our last conference we handed out a questionnaire. In the questionnaire we asked how many people were living in tents in the winter. The answer was four were living in tents on two reserves. Then we dealt with housing as well. We will deal with that shortly.

No. 23 is the allocation of welfare housing. While we are on the subject of housing, if you would turn to the last page of these resolutions you will see the survey. We asked them, for instance, how many telephones they have on these 21 reserves; the answer was nil. We asked them how many radios; the answer was 276, and 4 reserves had no radios. Five reserves had no cars and five reserves had no trucks. There were 12 combines for 21 reserves and 14 reserves had no combines.

Mr. HARDIE: Would all those 14 reserves be agricultural?

Mr. WUTTUNEE: There were 8 reserves out of the 21 which had combines. The great majority of them, of course, are agricultural.

Mr. HARDIE: I am speaking of the 14 which remain.

Mr. WUTTUNEE: The general statement would be that most of them are agricultural.

Mr. HARDIE: Of the 21?

Mr. WUTTUNEE: Yes.

We asked them how many had electricity. There were five homes on two reserves which had electricity. Nineteen reserves had none at all. This is in homes I am speaking of. In respect of telephones, there is usually a phone at

every agency and school, but none for individuals. Running water; there was none in any home on the 21 reserves. There were three indoor toilets. There were 285 frame houses. Three reserves had no frame houses at all. They would have mostly log houses. There were 345 log houses. One reserve had no log houses. In other words one reserve had all frame houses.

The CHAIRMAN: Before you go on, this morning you mentioned a population figure on the 21 reserves. I see here it is given as 8400.

Mr. WUTTUNEE: Yes, for the 21 reserves. The population in Saskatchewan is approximately 23,000.

The VICE-CHAIRMAN: This survey was taken on these 21 reserves; that is the 21 reserves which you claim to represent.

Mr. WUTTUNEE: It includes the 21 reserves.

CHIEF KNIGHT: What actually happened at the meeting was there were 44 reserves to which we handed out papers, but those are the only ones which responded by filling in the questionnaire.

Mr. WUTTUNEE: I am sure your attention has been drawn to the kind of housing on the reserves, and we need not repeat it.

We also recommend that the housing program on the reserves be given impetus and quality. In certain areas lumber is provided, but a better quality easily could be obtained.

The VICE-CHAIRMAN: Are there any questions on No. 23?

Mr. HARDIE: On the reserves in the northern part of your province, in this matter of welfare housing, are the buildings which are built frame or log buildings?

Mr. WUTTUNEE: Most of them are frame buildings which are being built under welfare housing.

Mr. HARDIE: In the northern part of the province?

Mr. WUTTUNEE: Anywhere, I think.

Senator FERGUSSON: In the resolution you ask that the band councils allocate the welfare housing, rather than that the allocation be made by the Indian Affairs branch. Are you dissatisfied with the present allocation?

Mr. WUTTUNEE: Yes. The councils on the reserve would know the persons to whom the houses should go. If the decision is left to the band council's they would be able to implement it. I know the situation varies, but generally the councils would like to have the opportunity of distributing the welfare housing themselves.

The VICE-CHAIRMAN: Are there any further questions?

Senator HORNER: In some cases they have their own sawmills and have timber and lumber. They often sell it. I have thought they should be using it themselves to build better housing.

Mr. WUTTUNEE: There is no doubt some training is necessary in respect of proper housing. They do not have the mansions which generally are found off the reserves.

Senator HORNER: They could put forward a greater effort themselves, I have often thought.

Mr. HARDIE: I do not know if I understood the witness properly; but did you say that you thought the Indians should have more say in the distribution of these welfare houses?

Mr. WUTTUNEE: That is right.

Mr. HARDIE: By the department?

Mr. WUTTUNEE: Yes.

Mr. HARDIE: Is it not the policy of the department Mr. Jones, to discuss this with the band councils and the agent prior to the building season?

Mr. JONES: Yes, I support this resolution, because that is our policy: we like to get the views of the Indian councils, because we never have enough money to go around, so we must have priorities and the most urgent cases. We try, wherever possible, to have the band councils do the allocating, and then advise the Indian superintendent.

Chief KNIGHT: Mr. Chairman, I think one case arose when we were having a conference last fall. There were a couple of reserves north of Battleford that were approached by the superintendent. They were supposed to get some welfare houses; and when they made the allocation, the superintendent, or the assistant agent in charge, disapproved of their location. So therefore they figured that if they did not make the location themselves, the superintendent or the assistant agent could do whatever he liked with that house. They figured they were getting something which they did not own. I think that was the idea why this resolution came about.

The VICE-CHAIRMAN: Was that just the location of the house on the lot?

Chief KNIGHT: On the lot, that is right.

Mr. WUTTUNEE: As well as the allocation of various members.

The VICE-CHAIRMAN: I understand from Mr. Knight that it was just the location of the house on a particular lot.

Chief KNIGHT: On a particular lot. But they were not given the privilege of locating the site for the house.

The VICE-CHAIRMAN: But it did not affect the owner, or whoever was going to live in the house?

Chief KNIGHT: Maybe there was a misunderstanding some place, but they figured in that particular instance that it had happened. That is why we drew up this resolution, in order to cover their wishes.

Mr. SMALL: You made some statement a little while ago about services, about electricity, running water, telephones—

The VICE-CHAIRMAN: I am sorry; that is to follow with the next resolution, if you do not mind.

Mr. SMALL: I thought it was in the one previous to that.

The VICE-CHAIRMAN: No.

Mr. WUTTUNEE: Resolution 24, power and telephone lines:

Whereas there are no power or telephone lines on Indian reserves which can be used by the residents and

Whereas there is usually a telephone line to the school or to the assistant agent's residence on a reserve and

Whereas there are certain agreements between the Indian affairs branch and the province of Saskatchewan relating to other subject matter

Be it therefore resolved that the Indian Affairs branch make arrangements with the government of the province of Saskatchewan to extend to Indian reserves power and telephone service.

For instance, in Saskatchewan there is a vast crown corporation known as the Saskatchewan Power Corporation, and it is within the realm of immediate possibility that such a corporation could provide this service to the reserves in Saskatchewan on a cost-sharing agreement between the provincial and federal governments. We submit that negotiations in this respect should be made as soon as possible.

Mr. SMALL: And who is to pay for it?

Mr. WUTTUNEE: We would suggest, in reply to that question, that primarily the establishment of the line should be shared equally. Then, with respect to the monthly cost, of course that would be the obligation of the individual user.

The VICE-CHAIRMAN: Share the cost between whom?

Mr. WUTTUNEE: Between the provincial and the federal governments.

Senator HORNER: There would be some difficulty there, because in some reserves many of the bands move about a great deal, and they do not live permanently in one place; they go trapping for instance, part of the year. They do not like to settle down.

Mr. WUTTUNEE: Actually, they say Indians roam around quite a bit; but I think the non-Indians roam around quite often, when you try to keep track of their new housing schemes.

Chief KNIGHT: Mr. Chairman, I think the general idea of this was that there was a great move to education, and a lot of the Indians feel that if they had means of having electrified homes, they would have TV's, and that would sort of improve the education right in their home.

I think that was the idea; and with the high cost of bringing power in, and with certain stipulations that so many had to pool in before they could bring power in, they figured that this could be done as a whole. And, mind you, not every Indian will get it. It is the ones trying to get ahead; it would not be just a hand-out. That was the idea we had in mind.

The VICE-CHAIRMAN: Make the power lines available to the reserves?

Chief KNIGHT: Yes.

Mr. HENDERSON: I do not think there would be much homework done, with TV.

Mr. JORGENSEN: Do you think there would be any amount of education from watching western movies?

Mr. WUTTUNEE: That is one suggestion that we have, which no doubt you have heard before, that some consideration should be given to restraining the continual approach of these westerns to slaughtering Indians and making them look very bad to the kids. I have my own little nieces or nephews, who are white, and they often wonder, of course, what we do; and actually, of course, there is no difference. To kids that is a very serious thing, in regard to their approach at an early age. I am just mentioning something that you have heard before, I am sure.

The VICE-CHAIRMAN: That has been brought up before.

Mr. HARDIE: Mr. Jones, has your department ever negotiated with the provincial government of Saskatchewan to electrify reserves?

Mr. JONES: We negotiate with the Saskatchewan government to bring power lines on to reserves for administrative purposes. We have not entered the field of assisting Indians to electrify their reserves or to supply power to their homes.

Mr. HARDIE: If the power line was brought on to the reserve, it does not seem much of a matter to put it into the houses.

Mr. JONES: I would agree with that statement, because more and more Indian reserves are being supplied with power and making their own arrangements; and it is very gratifying. But the department has not, as yet, entered into this field.

Mr. HOWARD: For no provinces?

Mr. JONES: Not with any province. We are doing it all the time, in this way: if there is an available power line within a few miles, we will arrange to

have power brought in for schools and superintendent's residence; so indirectly I suppose there is a subsidy right from the time that is brought in. But if the Indians want an extension, they do it themselves. More and more reserves are being electrified, and more Indian homes are being provided with electricity, all through the initiative of the Indians themselves. We have not got into this field.

Senator HORNER: If you have an Indian hospital on the reserve, the power is there and it must pass through the reserve, must it not—the line?

Mr. JONES: It could be.

Mr. BALDWIN: Has Saskatchewan one of the usual schemes of rural electrification cooperation, with a long-term plan of payment?

Mr. WUTTUNEE: We took this matter up with the power corporation, and there is some scheme whereby you can make these payments over a period of time. But we are suggesting, of course, in order to speed this up and to expedite it, that if the lines were put on to the reserves and distributed to the various homes, from that point on the Indians themselves could take over the cost.

The VICE-CHAIRMAN: As I understand it, the lines are on most of the reserves?

CHIEF KNIGHT: Yes.

The VICE-CHAIRMAN: And they are available?

Mr. WUTTUNEE: I do not know whether you would say they are mostly available, on every reserve. For instance, there are generally telephones through to the local agent or the school. However, power is different. They are putting power into various places: but there are many places that are still without power. To say generally, I do not think we could say generally on that; we do not have the facts.

Mr. HARDIE: There are only five homes, according to this survey, with power.

Mr. WUTTUNEE: Yes, that is all.

The VICE-CHAIRMAN: I think this might be of interest to the committee, and I wonder if you have any idea, Colonel Jones, of how many reservations have power lines entering them, as a comparison? Have you any idea of that?

Mr. JONES: Not offhand. I think we could obtain that information.

The VICE-CHAIRMAN: It might be interesting to the committee to know, of the number of reserves in the province of Saskatchewan, how many now have power lines entering onto the reservation for schools or the administration of the department.

Mr. JONES: Yes, I think we could get that information.

The VICE-CHAIRMAN: Colonel Jones will try and get us that information.

Mr. WUTTUNEE: You can imagine how difficult it is for us to try and conduct business without a telephone. You would spend half a day running around trying to locate someone and if they are not at home, it is very difficult. Even one pay station would do a lot of good. To try to contact an Indian is practically impossible, unless he has some very good friends near the reserve.

Mr. HENDERSON: You are no worse off than a lot of non-Indians—and I am one; I am three miles from town, and without a telephone. The telephone line is half a mile away.

Mr. FRASER: In connection with these reservations, where the telephone is at the agent's home, has anyone applied to the telephone company to put in a pay station at that spot?

Mr. WUTTUNEE: They were talking about one at Red Pheasant. However, it has not matured, and has not been put in yet.

Mr. FRASER: Are they not mostly independent telephone companies in that section?

Mr. WUTTUNEE: Yes.

Chief KNIGHT: Mr. Chairman, some years ago I made that approach to the Prince Albert branch. They told me they could not put in a pay telephone station out in the country, because it might be broken every day. They said they could not send experts out to repair the telephone. That is the answer I got. They said if they put it through, it would have to be under somebody's charge, and somebody would have to be responsible.

The VICE-CHAIRMAN: Are there any further questions on resolution No. 24?

Mr. SMALL: In putting in those pay telephone stations, it is all based on the amount of revenue they are going to derive from it. If it is a paying proposition, they do not hesitate to put it in, but the upkeep and maintenance would have to be taken into their assessment. I know in large populated areas, there is no trouble getting one, because it is a profitable venture. However, they have to take into account how much revenue will be derived from it, before they put a pay phone in there. The same thing applies, when an application is made to have it put into your house. If they do not obtain enough customers, they will not run the line through. The same thing applies in so far as power is concerned.

Mr. MCQUILLAN: Do you not think this is a field for closer cooperation with the Saskatchewan government? The Saskatchewan Indians have the vote in Saskatchewan, and surely they can bring some pressure to bear on that beneficent government out there.

Mr. JORGENSEN: It would appear to me that the time is very appropriate now.

Senator HORNER: In the case where the telephone company refused to install a pay station, because of the damage and the breaking, if your band would say that you would guarantee to keep it in repair, would they then put in the pay station?

Chief KNIGHT: This transpired quite a few years back. I think, maybe, if that approach was made again, they would take a different attitude.

The VICE-CHAIRMAN: Is there not a village there?

Chief KNIGHT: Well, it is not a village. They are about one-quarter of a mile apart.

Mr. SMALL: In regard to running the water, what is the source of the water supply? Is there water, generally, there?

Mr. WUTTUNEE: It is common knowledge that water on reserves is very poor. Many get their drinking water from sloughs. On many reserves, they would have very little in the way of water supply. We are suggesting, that if this scheme of cooperation was adopted, you could go into other areas as well, which would include water, and roads—the next topic.

The VICE-CHAIRMAN: Resolution No. 25 is next.

Mr. WUTTUNEE: Resolution No. 25—road construction and maintenance.

Whereas there are no good market roads on Indian reserves and

Whereas the construction of such roads cannot be undertaken privately because of the high cost thereof and

Whereas the cost of maintenance of roads and highways is also high and

Whereas grid roads are presently being constructed in the province of Saskatchewan—

—and this resolution is directed to both governments—

(1) to provincial government:

Be it therefore resolved that the government of Saskatchewan be asked to enter into an agreement with the Indian Affairs branch for the construction of good market roads on Indian reserves and for the maintenance thereof.

(2) To federal government:

Be it therefore resolved that the Indian Affairs branch be asked to enter into an arrangement with the government of the province of Saskatchewan for the construction of good market roads on Indian reserves and for the maintenance thereof.

Now, if non-Indians are asked to deal with Indians, they have to have good access to these reservations; otherwise, they are going to be reluctant to deal with them. At the present time, much of the road system consists of wagon trails. Since the automobile has also reached the Indian, it is imperative that more money be spent for road construction. They have been asking the Indian band to do their own road construction.

Mr. FRASER: Does the province or the county, as the case may be, in which the reservation is located, make a good road up to the reservation, and from there on it is poor; or does the province or county look after the roads up to the reservation?

Mr. WUTTUNEE: In a few reservations, they may, if a provincial highway runs through there. However, in most of the reservations—and I was over the majority of them in 1958—the road conditions are very poor. Actually, they are generally just wagon trails. They have tried to fix it up by scraping it a bit. However, there are only the two tracks.

Mr. FRASER: I do not mean on the reservation, but the roads leading up to the reservation.

Mr. WUTTUNEE: Yes. In one area, instead of building the highway through the reserve, they went around it. In other areas, they have reached agreement under this road system that if the grid road will service non-Indians as well, then an agreement can be entered into whereby the federal government will pay something and the provincial government will pay something, and they will maintain that road. The municipality will maintain the road on the Indian reserve. However, we would like this to be applicable not only to grid roads, but also for Indians themselves, grid road or not. That is our suggestion.

When you ask whether or not they maintain the roads on the reserves, they would not if there was not this joint agreement.

Mr. FRASER: They maintain it just up to the reserve?

Mr. WUTTUNEE: Yes, that is right.

Mr. FRASER: I am interested because, in my own reservation, the county looks after the road up to the reserve, and the road from there to the Indian village is terrible.

Mr. WUTTUNEE: To give you an example, there was one municipality where there were many white farmers working, leasing the land. They were taxing the white farmers. Then they wanted the Indians to construct the road from one of the nearby municipal roads at their own cost. They would not contribute anything. So, actually, they were getting revenue from the farmers living on the reserve, and still reluctant to contribute anything.

We suggest that there must be a way whereby you can get the provincial government of Saskatchewan and the federal government to adopt a plan to

share these costs. I do not care whose band fund it is, they would have to have a lot of money to build good roads on their reserves.

The VICE-CHAIRMAN: Does not your provincial government give you a grant towards building these roads in Saskatchewan?

Mr. WUTTUNEE: They will, as I have said, only if it meets with the qualification that it is a grid road. However, if it is not a grid road, they have no interest.

The VICE-CHAIRMAN: The province of Ontario pays a 50 per cent grant for roads and 80 per cent for bridges to reservation properties. You had better get after your provincial government on that.

Mr. KNIGHT: I think, Mr. Chairman, there is a small move in building market roads from the reserve boundary to the market centre. I think we got a grant from the federal government, \$750, and it is 2.8 miles to our post office and elevator. However, the grant came through just about a couple of days before the frost set in. Then the municipality pay so much; but definitely the federal government were putting in 75 per cent of that. That was just one instance.

The CHAIRMAN: That was not on your reservation; just from the border of your reserve?

Mr. KNIGHT: Yes, from the reserve boundary to the marketing centre.

Mr. BALDWIN: We might take it up with Mr. Hamilton under his roads to resources program.

The CHAIRMAN: Any further questions on 25?

Mr. WUTTUNEE: We suggest that you do not take this helter-skelter, but do it to all the reserves. If you are going to help these Indians you have to really take a stab at it; otherwise you will continue on and on and on.

Mr. McQUILLAN: You are just speaking of the Saskatchewan reserves now?

Mr. WUTTUNEE: Yes.

Mr. McQUILLAN: That is where all the Indians live?

Mr. WUTTUNEE: As far as we are concerned, yes.

The CHAIRMAN: No. 26?

Mr. WUTTUNEE: We have actually a heavier concentration of Indian population in Saskatchewan than in Ontario because per capita there are only approximately one million people in Saskatchewan, and they have 23,000 Indians. There are 40,000 Indians in Ontario and your population is five million.

The CHAIRMAN: Six million.

Mr. WUTTUNEE: So that actually there is about double the concentration in Saskatchewan.

The CHAIRMAN: No. 26, commercial fishing.

Mr. WUTTUNEE: These commercial fishermen, the same thing applies; that is a joint program. Of the commercial fishermen in Saskatchewan 65 per cent are Indians, and they would like some plan whereby they could be established as fishermen.

Mr. HARDIE: I wonder if the witness could tell us what he means by establishing Indians who are already fishing as fishermen?

Mr. WUTTUNEE: There are many Indians who cannot afford even the simplest form of equipment to start them in fishing. Some program like this would certainly be helpful for them.

Mr. HARDIE: The department does not help the Indians in northern Saskatchewan to more or less outfit themselves with nets, and so on, to go fishing?

Mr. WUTTUNEE: I cannot answer that one, but I know that sometimes they can get a grub stake, get themselves established on credit and pay it after they come back. However, it takes a boat and a good motor to put them into the category of commercial fishermen.

Mr. HARDIE: Can they not get something out of the Indian loan fund, or has that ever been attempted?

Mr. WUTTUNEE: I do not know about it, I am sorry.

Mr. HARDIE: I wonder if Mr. Jones could enlighten us on that?

Mr. JONES: Mr. Hardie, the revolving fund loan is available and I think we have had some success in northern Saskatchewan with Indian commercial fishing, more so than in any other part of Canada, with the possible exception of British Columbia. There is a lot of commercial fishing in Saskatchewan and we have bought nets for the Indians who have repaid the government. We have had very good success there and we will continue to support commercial fishing. I wonder if there is something that is not understood, Mr. Wuttunee?

Mr. WUTTUNEE: We obtained this resolution from the northern group; that is the way they explained it to us, and that is the way we are explaining it to you. This is the way the resolution reads:

Whereas the majority of commercial fishing is carried on by Indians in northern Saskatchewan and

Whereas there is a need for a cost-sharing program with respect to commercial fishing between the province of Saskatchewan and the federal government similar to the agreements now in effect with respect to wildlife

Be it therefore resolved that the said governments be requested to enter into a cost-sharing agreement with respect to commercial fishing.

I might mention there are 60,000 people living in northern Saskatchewan, the majority of whom are natives, which includes Indians and Metis.

Mr. HARDIE: I wonder if Mr. Jones could give us an idea of the number of Indians who have received help by way of the revolving loan fund, or in any other way, towards commercial fishing in northern Saskatchewan?

Mr. JONES: Yes, I can get that.

Mr. MARTEL: Mr. Chairman, most of the fishing, I understand, is done outside the reserves in northern Saskatchewan.

Mr. WUTTUNEE: Yes, there are hardly any reserves in northern Saskatchewan.

Mr. MARTEL: Do you have to rent the lakes from the provincial government,—to pay a certain rental?

Mr. WUTTUNEE: I believe the waters are owned by the federal government and the lake-bed, I suppose, is owned by the provincial government. I do not know exactly.

Mr. MARTEL: You referred to a provision for wildlife, with this being looked after by the provincial government, the wildlife arrangement. I suppose they give certain areas of the province for trapping and things like that. But for fishing, do you know if there is a regulation applying on that?

Mr. HARDIE: Quotas are under provincial law, and all the fishing regulations, I think, are under provincial law.

The CHAIRMAN: Can you answer that question?

Mr. WUTTUNEE: No, I am sorry, I cannot.

Mr. McQUILLAN: Reading this resolution, it seems to me there has been a little confusion. I think really what they are referring to is conservation measures between the two governments, rather than financial arrangements.

The CHAIRMAN: Or licensing.

Mr. McQUILLAN: Conservation. They refer also to the agreement in effect with respect to wildlife. There are no commercial features in wildlife.

Mr. WUTTUNEE: The idea was with respect to commercial fishing, I have got that from the people who are interested, and the idea was to establish them so they could do the fishing properly. I believe that is what our resolution is directed towards.

Mr. McQUILLAN: Why then do you refer to the agreement with respect to wildlife?

Mr. WUTTUNEE: Well, sir, you see in northern Saskatchewan there is a great deal of cooperation with respect to trapping, for instance, between the provincial government and the federal government because the Metis people come under the jurisdiction of the provincial government and the Indians, of course, come under federal jurisdiction. So there is a great deal of cooperation there with respect to trapping. They also have conservation areas established with respect to trapping.

I would not think they had that in mind for the program for fishing, but rather it would be for marketing fish and for the cost of actual nets with which to fish, and regulations relative to it.

Mr. HARDIE: The problem of the native in northern Saskatchewan is a great deal similar to that in the Northwest Territories in Great Slave lake, where a great number of the natives, or the majority of natives, are not financially able to set themselves up, even to equip themselves with the proper kind of good nets. They wish to get help from the department of Indian affairs to set themselves up in a sort of commercial fishing.

Mr. WUTTUNEE: Yes, that is the idea.

Mr. HARDIE: I think this could be done through the revolving loan fund.

The VICE-CHAIRMAN: Well, Colonel Jones has already said this is being done now.

Mr. SMALL: That was not exactly contradicted, but the northern Indians did state there was not sufficient of that done. It did not extend that far, and that more should be done.

Mr. STEFANSON: At the present time, most of them would be fishing for a certain company and that company would, more or less, supply them with nets and equipment.

Mr. WUTTUNEE: I do not think so, no. Most of them are individuals.

Mr. SMALL: Are there any non-Indians in the fishing business?

Mr. WUTTUNEE: Yes, 65 per cent are Indians, so the rest would be non-Indians.

Mr. SMALL: How do they work? They would be in competition with them? When they go off the reserves, they are in the competitive field and they would have to treat the non-Indians the same. You see, you are in difficulty there. Once you are off the reserve and you are into a competitive field, you have to keep that in balance too.

If you set the Indians up with equipment, then they would come into the broad field of competition.

Mr. WUTTUNEE: I think we could leave that to their own competition. What we would like to see, is getting them equipped.

Senator HORNER: It may be that that is not the fact. But in many cases, someone would supply the Indians with equipment and have them fish for them and they would handle the fish. That was formerly done, before the provincial government took over. Now, with the government having the plant, they are the ones who supply the equipment.

Mr. WUTTUNEE: There were very few Indians involved in commercial fishing before that was done, and now the figures have increased tremendously in the fishing industry.

Mr. McQUILLAN: Is there only one outlet for the sale of that fish, and is that only to the Saskatchewan government?

Senator HORNER: They have taken over the handling of the fish.

Mr. McQUILLAN: Well, that is why you cannot be financed.

Mr. WUTTUNEE: That should not follow. They should give them the opportunity to fish and leave it up to them as to how they are going to dispose of it.

Mr. MARTEL: With regard to those agreements for wildlife which are in force, would that cover the sale of furs coming from the northern Saskatchewan Indians to the provincial government, such as, for instance, is done in the province of Quebec through the agency, sold on the open market or auction sales. Do they proceed the same way?

Mr. HARDIE: Yes, they have the Saskatchewan fur sales.

Mr. MARTEL: That is why they are referring to the agreement concerning wildlife; that includes that.

Mr. HARDIE: It may be that they are asking for something along that line. I am not too familiar with what they require.

Mr. KNIGHT: If I am not mistaken, I think the Indian department has turned over the natural resources to the province of Saskatchewan, and they control everything, with the help of Ottawa.

Mr. JONES: I think the Dominion of Canada turned over the natural resources. We have an agreement for wildlife management in Saskatchewan, and it seems to me, Mr. Chairman, Mr. McQuillan put his finger on this problem. I think we should go to the field, and explore this a little more.

It seems as though they want to bring commercial fishing into the orbit of the game management agreement. We are paying so much a year and have a fur advisory committee, we have a member of our branch who sits on the committee and they have trappers' meetings each year, and work out quotas, and so on. For a while the furs had to be marketed under the Saskatchewan fur marketing service but I believe the trappers, two years ago, voted to discontinue the service. Is that not right?

Chief KNIGHT: That is right.

Mr. JONES: They are now free to dispose of furs any way they want, is that right?

Chief KNIGHT: That is right.

Mr. JONES: So the trappers' convention, called once a year, have quite a bit to say about this. I do not think the fur marketing service now is operating as it was two years ago.

Chief KNIGHT: I think, Mr. Chairman, where the confusion lies here is that the Indian himself does not know where to make that approach, whether the provincial government or the federal government. They just cannot make any start in making applications for assistance. I think that is where the whole trouble comes in.

The CHAIRMAN: Colonel Jones has said that the department would take a good look at this in the field and try and do something about it.

No. 27?

Mr. WUTTUNEE: This is with respect to the permit system.

Trading with Indians and the sale or barter of produce
Whereas it is desirable that Indians be as independent as possible

and

Whereas the permit system takes away independence of judgment of the Indians and takes away initiative

Be it therefore resolved that all sections of the act relating to permits be repealed.

The CHAIRMAN: Any questions on this section?

Mr. WUTTUNEE: This is actually a discriminatory piece of legislation because it was only directed to Manitoba, Saskatchewan and Alberta. I do not know how they ever permitted it.

Mr. McQUILLAN: What is this permit system?

Mr. WUTTUNEE: If you want to sell a cow you go to the local agent and ask him, "Can I sell my cow?" He says, "No, you can't." It applies to grain, wood and a lot of things.

Senator HORNER: Do you really believe that it would be wise yet? I hope the day will come, but I know instances where a man might have a milk cow or two and perhaps is willing to sell them, and someone can buy them for less than they are worth; whereas the last thing he should do is sell his cattle. I know of instances where the permits were very, very necessary.

I think if you take a second thought perhaps that might not come for a year or two yet, to be able to abolish the permits.

Mr. WUTTUNEE: We put this in after due deliberation at our conference, and that was the opinion of the chiefs and councillors all present. I do not think there is any doubt, if you ask for my personal opinion, that that section should not have been there. When the old vestiges of colonialism were there in 1876 that might have been true, but we are living in a modern era. When you go and deal with them like men, then you get results like men should.

Mr. SMALL: When you mentioned something about wheat, you said it was done under a permit. Does that not apply to the western wheat farmer who has to get permission to sell it, and is told at what place?

Mr. WUTTUNEE: When I spoke of discrimination I meant that this did not apply to the Ontario Indians or the other Indians. It applies only to the prairie provinces.

Mr. BARRINGTON: Neither does wheat apply to the Ontario farmer.

Mr. HARDIE: In some cases would it be true that the Department of Indian Affairs had possibly made a loan to an Indian to purchase cattle? If that is so, do you think it would be fair then to say that before the loan was paid off the man could go and sell those cattle without some sort of discussion between the department and himself?

Mr. WUTTUNEE: No, in that circumstance I am sure there should be some discussion. But we are talking about things, even a load of wood. As I said, if there were no telephones here you could walk down to the Indian office and say, "Can I have permission to sell a load of wood?" "Well, where are you going to sell it?" And the answer is, "No." And you take your load back. This applies to all these Indians.

A lot of them, of course, are not doing it, they make deals on the sly and say, "Well, I sold you this," and that is the end of it.

Mr. SMALL: Then they do not have to take the load back?

Mr. WUTTUNEE: No. Really you are trying in a way to protect them. But there are certain ways of beating the law that you do not like, like passive resistance, and that is the way this law is beaten.

The CHAIRMAN: No. 28?

Mr. WUTTUNEE: Wills and descent of property.

Whereas all jurisdiction and authority in relation to matters and causes testamentary with respect to deceased Indians is vested exclusively in the minister—

We have suggested that the jurisdiction here should be given where it belongs, to the surrogate courts of the province. Mind you, there is no doubt in many instances it is perhaps desirable to attend to a will by the department, but when you give them so much authority as to whether or not they say a will is a will, I would certainly not want my will to be left to the discretion of some person over whom I had no control through the courts.

This way leaves it up to them to take them to the courts, so that they can decide as to how their property is to be distributed without any administrative decisions. As you know, quite often there is no appeal from an administrative decision like that. After it is made it is made and you have had it.

Mr. BALDWIN: I have looked at this section. There is, as a matter of fact, an appeal from sections 42, 43 and 46. But I also looked at those sections because they are very, very arbitrary. Would you not think it would be more satisfactory instead of leaving the discretion to the minister to permit the Indian, who had assets to justify it, to have the right to have the validity of the will decided by the courts and the estate go through the court in the ordinary way, still leaving it free for others to let it stay as it is?

I am thinking of the case where there is a very small estate of a few hundred dollars. You must remember the Indian would then be subject to the court costs, the fees which might be incurred and if you had a discretion to be exercised by the Indian would that not be satisfactory?

The VICE-CHAIRMAN: I understand from Colonel Jones that it is being done now, and that where an Indian wants to bear his own cost, he can take it to a lawyer and have it go through the province.

Mr. WUTTUNEE: That may be applicable to Indians living off the reserve, but not to those living on the reserve. Put it in the act if you want it done.

We had an example where an old person died and they padlocked the house. The property is still in there. That was two years ago, and in the meantime that property will be deteriorating. In the years to come a decision will come forth as to how that estate is to be divided, if there is anything left. That is only an example of the authority which the minister has been giving to the deputies. I think it is fantastic, and from the point of view of a lawyer I cannot see how this legislation could have been permitted.

Mr. SMALL: You mean incredulous, not fantastic.

Mr. BALDWIN: I notice it goes back to 1884, which was the date when it was passed. But the Indian Act of 1880 contains provisions governing the descent of property, so there have been no changes since 1880.

Mr. WUTTUNEE: That is right. They think we are still living in the 1880 period. Now, we come to resolution No. 29, treaty money. The resolution reads as follows:

29. Treaty Money—Section 71.

Whereas the treaties provide for an annual payment of \$5 per capita and

Whereas the purchasing power of the said \$5 has decreased steadily since the signing of the said treaties and

Whereas it is desirable to maintain a fair and reasonable interpretation of the said treaties and

Whereas the purchasing power of the dollar in 1874 was $3\frac{1}{2}$ times the purchasing power of the dollar today and

Whereas the method of personal payment presently in effect is cumbersome and time consuming

Be it therefore resolved that the treaty payments be increased to \$17 per capita so as to coincide with the purchasing power of the dollar at the time of the signing of the treaties and that the said moneys be mailed by cheque.

We had this computed by an economist and this is the result that he gave us: each dollar in 1880 would be worth approximately \$3.30 in 1958, or, putting it the other way, \$1 in 1958 would be worth approximately 30 cents in 1880.

The government is now paying \$1.50 in treaty money when in fact it should be paying \$17 in order to equalize the dollar value in 1874.

Mr. SMALL: I think that is something like the Crowsnest Pass agreement; they are in much the same category.

Mr. WUTTUNEE: Yes, and we would like them changed.

The VICE-CHAIRMAN: Are there any questions on resolution No. 29?

Mr. HARDIE: I would like to say that I think this idea of payment by cheque is a very good one, particularly in the case of the northern areas. I have people in my riding who missed the treaty party, so for a year or two they have had to go without their treaty money.

I had a case here recently—I do not know if I spoke to Colonel Jones about it—of a woman who did not receive her treaty money for three years because she had moved from the Chip agency to the Yellowknife agency, so she was three years without a cheque. Any person who misses the treaty party should have his cheque mailed to him.

Mr. WUTTUNEE: They should be mailed at any time because the Indian has to spend a whole day in order to go down to get his \$5. I do not know why they continue it. Maybe it is to try to stimulate the Indian with the idea of the treaties, and that they still have a treaty, and that you can line up and get your treaty money. Whereas, however, if they were to send it out by cheque, I am sure that Colonel Jones would greatly appreciate that change.

Mr. JONES: I would agree wholeheartedly with the delegate. It costs us pretty nearly as much to pay the treaty money in cash because of the way we pay it out now.

Mr. WUTTUNEE: Therefore they should be able to double the amount which they pay to the Indians.

Mr. JONES: We have experimented on different occasions with paying by cheque. It is not always easy to do so because of the lack of addresses.

When you speak of payment by cheque it really means someone pressing a button at the central pay office out at Tunney's pasture. But unfortunately Indians move around, and the result has been that our success in payment by cheque has not been too good. But I agree wholeheartedly with it, as the time and effort that has to be put into the payment of \$5 bills at treaty time is great and I am very glad that the delegate raised the point, because I have strong opinions on it.

There is an older generation of Indians who will take me to task when they read these remarks of mine and I am sure the delegation will agree with that. There is prestige, Mr. Chairman, relating to payment of treaty money since Queen Victoria's time, which is still in the minds of a good many Indians who would demand payment by cash. But it is time-consuming and it is expensive. So you have my assurance that the moment we can, with the consent and approval of the Indians, work it out in a different way and pay by cheque, it will be done.

The VICE-CHAIRMAN: Thank you.

Mr. WUTTUNEE: There is probably another reason why they prefer to do it this way. It is because when the Indians line up they can give them the needle as well, for inoculation and vaccination.

Mr. JONES: That was the reason a few years ago, namely, in order to give them inoculation or vaccination, but it is not so important now.

Mr. MARTEL: But the family allowance and other bonuses are paid by cheque to all Indians across Canada, are they not?

Mr. JONES: Yes.

Mr. MARTEL: And it is working out all right, is it not?

Mr. JONES: Very well.

The VICE-CHAIRMAN: Resolution No. 30.

Mr. WUTTUNEE: Here is a section which is of some interest. Resolution 30 reads as follows:

30. Grain Storage and Immediate Purchase

Whereas cash advances are unsuitable to Indians engaged in grain farming and

Whereas the lack of suitable grain storage facilities is a formidable obstacle which causes serious losses and

Whereas the inability to immediately market grain causes great economic hardships which can be very discouraging.

Be it therefore resolved that the Indian affairs branch be asked to store the said grain immediately upon the harvest thereof, and to purchase it at a reasonable price to eventually reimburse the grower thereof for the difference in the said purchase price and the eventual selling price.

I shall give you an example of the difficulty. There was one Indian who had harvested 18,000 bushels of wheat, but he had storage facilities for only a few hundred bushels, so he had to stock-pile his wheat outside where it would be subject to the ravages of weather and other natural causes.

Now if such a plan were presently in effect, the farmer who had some ready cash would not have been discouraged from taking his chances at grain farming. So I suggest that this is one resolution to which serious consideration should be given.

Mr. JORGENSEN: The situation is not unlike that of an ordinary white farmer.

Mr. SMALL: It is something like the box car situation a few years ago; when you had to obtain another permit in order to take your wheat to the grain elevator. We had more favouritism shown to the large farmer than to the little fellow, who was not getting any consideration.

Mr. JORGENSEN: Could you explain to me why cash advances are unsuitable for Indians?

The VICE-CHAIRMAN: It is the first line, where cash advances are unsuitable to Indians engaged in grain farming.

Mr. WUTTUNEE: The idea of this resolution is probably not so much to describe the situation in respect to cash advances, but rather to try to provide a system whereby the Indians could store their grain, because if there had been cash advances, they would have some grain to meet the cash advance later on; but whereas, if it is depleted through natural causes such as being stored outside, they would not have any grain with which to meet the cash advance. But in this way they would have grain stored.

If they could be paid for a certain portion of it, then after it was sold they would get the balance.

Mr. McQUILLAN: In the preparation of this brief I think they used a rather poor example when they quoted a man who raised 18,000 bushels. I think perhaps I could sympathize with an Indian who raised only a thousand or two, but not so easily with one who raised 18,000. I think such a man would be capable of taking care of himself just as any other wheat farmer is expected to do.

Mr. WUTTUNEE: Unfortunately, he will not, because this is what is happening: he will get rid of some of that grain on the reserve for various things, and in the end he does not have enough to meet the cash advance.

Chief KNIGHT: He is only allowed to sell a certain unit regardless of how much grain he has raised. For example, he may have only 300 bushels to sell, yet he may have 18,000 bushels over here with no storage facilities for them. Therefore he has to put that grain on the ground. Whereas if he could have a cash advance, he could go ahead and build granaries so that he could store his grain and preserve some of it. I think that was the idea.

The VICE-CHAIRMAN: You are inferring that he does not get the advance payment now, Mr. Knight?

CHIEF KNIGHT: They were for a while, but there was quite a bit of trouble on that.

Mr. JORGENSEN: The unit quota applies to Indians as well as to other farmers. They are in no worse difficulty than the ordinary farmer in that respect.

CHIEF KNIGHT: Some Indians were leasing land on the reserve to the white man, and they took the cash advance. Then they neglected to pay their share and the Indian did not get any grain, and had to pay, somehow, the cash advance.

The next year it was pretty hard for him to get a cash advance, but it was the white man who destroyed that privilege, the white man who was farming on the reserve.

Mr. HARDIE: In the case of a man who had 18,000 bushels, could he not go to you, Mr. Jones, or the department, to get a loan out of the revolving fund to build suitable granaries?

Mr. SMALL: Would that be considered "equipment"?

The VICE-CHAIRMAN: Sure.

Mr. JONES: I would have to take a look at section 69 to see how it is worded.

CHIEF KNIGHT: Another advantage would be, supposing an Indian farmer, starting up, applied for a loan, it would give him a chance to pay back the loan if the department bought the grain. You would give him additional standing.

Mr. JONES: I do not think it is covered, as I see it. That would be a building. I do not think we have ever had a request for a loan for a granary.

Senator HORNER: I do not know who built it, but they have a splendid granary, on the Muskeg reserve, to hold 15,000 to 20,000 bushels. I do not know whether the federal government or the Indian band built it themselves. But a man with 18,000 bushels of wheat could go to a lumber company or even a bank and secure the loan. At any rate, grain, if properly piled out, does not deteriorate in western Canada. As a matter of fact, if grain is on the tough side it keeps much better piled outside on the grass than in any granary. It will dry some in a pile, whereas it will spoil if you put it in a granary.

Mr. BALDWIN: It seems to me this item is covered by section (b):

To expend or to lend money for the carrying out of cooperative projects on behalf of Indians.

A construction of a few granaries of substantial size on a reservation, to handle this surplus grain, would be a cooperative effort, and it would come within the four corners of that section, I think.

Mr. JONES: Yes, a cooperative, but not an individual.

Mr. BALDWIN: But if a band decided it wanted a granary to be available for people who have 18,000 bushels of grain, then this would be a cooperative effort, and it would be covered.

Mr. JONES: That is section 69.

Mr. SMALL: Will it not be the total yield on the reservation of the grain, altogether?

Mr. WUTTUNEE: I do not know.

The VICE-CHAIRMAN: Mr. Knight, could you answer that, approximately?

Chief KNIGHT: In the middle part of Saskatchewan I would say there is just as much land being farmed on reserves as off reserves. Since these leases became effective, there is a lot of land that has been opened up, and a lot of grain comes off it.

The VICE-CHAIRMAN: Not by Indian people, but by whites renting it.

Chief KNIGHT: By the new policy, all individual leases have been stopped, and the Indian has to do something to farm that himself.

The VICE-CHAIRMAN: Resolution No. 31, cattle brands.

Mr. WUTTUNEE: With the cattle brands, at the present time they give all Indians the "I.D." brand, and they now want individual brands, to tell each other's cattle apart. I think the practice now is that there is one "I.D." brand, and they stick another brand on, to try and designate them; whereas this way, they will get their own brand, which will be registered with Indian affairs, and they would not have to be slapping on two brands.

Mr. HENDERSON: The Indians have distinctive brands in British Columbia. It says in the brand book, "Indian brand".

Mr. WUTTUNEE: It does not seem logical to put two brands on an animal when you can do it as well with one brand.

The VICE-CHAIRMAN: Resolution No. 32.

Mr. WUTTUNEE: This resolution, No. 32, deals with farm loans:

Whereas there is a great need for long-term farm loans and, whereas the cost of power machinery is very high, be it therefore resolved that the federal government be requested to provide for long term and larger farm loans.

Mr. JORGENSEN: I wonder if Colonel Jones could tell me whether the Indians do not qualify for a loan under the farm credit corporation?

Mr. JONES: I beg your pardon?

Mr. JORGENSEN: Could you tell me whether the Indians do or do not qualify for loans under the present farm credit corporation?

Mr. JONES: No, they do not. They cannot give security.

Mr. BALDWIN: I think it is the same thing with the Farm Improvement Loans Act. I think that was discussed before, was it not?

The VICE-CHAIRMAN: It was discussed at a previous meeting. They tried it, but it did not work out in some cases, and they had to stop it.

Mr. HARDIE: Is there no way these people are helped by loans to buy equipment?

The VICE-CHAIRMAN: On the loan fund.

Mr. JONES: There are more loans under the revolving fund in Saskatchewan than any other province—I was going to say a majority of all the other provinces put together; we have 224 active loans right now in Saskatchewan.

Mr. WUTTUNEE: We are not complaining about that, but we are asking for more and longer terms.

Mr. JORGENSEN: What is the present range of the term?

Mr. WUTTUNEE: As a rule it is five years.

Mr. SMALL: What is the life of the equipment? What is the depreciation on it?

Mr. WUTTUNEE: I am sorry, I do not follow you.

The VICE-CHAIRMAN: The ordinary income tax depreciation—15 per cent for power equipment and 10 per cent for horse-drawn equipment, 6½ years on power equipment?

Mr. SMALL: 5 years is enough.

Mr. WUTTUNEE: It might be enough.

Mr. SMALL: If you want a longer term deal on it your depreciation comes in.

Mr. WUTTUNEE: That is for the purposes of income tax, but the machine is still there after that period of years, and we are not dealing with the income tax department but with the Indian Affairs branch. We want that machinery there. It requires a lot of machinery to farm these days; and in order to purchase that machinery you need a lot of money.

Mr. SMALL: For depreciation of machinery and equipment, you are able to put that money away each year and buy new at the end of the period. You also have got the benefit of using other equipment as well. That is the idea of depreciation, to have the money to buy new stuff.

Mr. HARDIE: According to the survey that was made there were 12 combines in the province, five, apparently, on one reserve, out of 21 reservations. I wonder if Mr. Jones could tell us how many of these were financed through the revolving fund.

Mr. JONES: I could tell you now.

Mr. HARDIE: Would you find that out?

Mr. JONES: I would be glad to.

Mr. BALDWIN: At one meeting it was suggested that a series of loans might be established on the principle that as the land could not be given as security, the collective band fund might be pledged as security. This would entail some responsibility on the Indians on the reserve to consider the question of repayment and so on. That suggestion was made at one meeting here. I do not know whether or not it is something which has any merit.

Mr. WUTTUNEE: I did not hear all that.

Mr. BALDWIN: The suggestion was thrown out at one meeting that as the Indians could not pledge their land as security for a debt, the alternative would be for them to get the security of the band fund for loans to individuals, and that that would take the place of what the non-Indian would pledge.

Mr. WUTTUNEE: I believe that might work out if the machinery were to be used for the benefit of everybody. I do not think it could apply in respect of one individual. When an Indian strives to get a loan it is always a great problem. He just cannot get it, because he cannot put up the security. Maybe he

can buy certain chattels under a conditional sales contract; but for a loan to help him farm or anything like that, it is very difficult because the bank will not lend it to him.

The VICE-CHAIRMAN: Resolution No. 33, leases. We had quite a discussion on this this morning. Have you anything to add?

Mr. WUTTUNEE: I will read the resolution.

Whereas two hundred and four thousand acres of Indian lands in Saskatchewan are presently under lease to non-Indians and

Whereas it is desirable that all the full one million two hundred thousand acres of Indian lands in Saskatchewan be available for the sole benefit of band members.

Be it therefore resolved that the leasing of Indian lands to non-Indians be discouraged as much as possible and the said lands be made available to the said band members.

You will see here that the 204,000 acres of land which are being leased is really a great portion of the available lands, because a lot of the 1,200,000 acres of land is covered with water and trees. From the amount of leases which they have given the return is very small. I think this will be dealt with in another brief. I think there is something like 4 per cent of the total income which is derived from these leases. In some areas they lease more than one-half of the land. You can see that the leasing of land generally is very bad.

Mr. HARDIE: Does the Indian himself lease the land?

Mr. WUTTUNEE: No; the band.

Senator HORNER: I would be very much surprised if the return was only 4 per cent at the present time.

Mr. WUTTUNEE: I believe it is even less than that, I am sorry to say.

Senator HORNER: I know personally of cases where a lot of heavy bush and a lot of scrub was cleared off. They went through it with huge tractors and broke up large tracts of land. It is true it is easier to farm now than in those days; but it was a benefit to the reserve.

Mr. WUTTUNEE: There is no doubt some benefit has accrued from it, but I think the practice in general has been deplored. I think we are now coming to an end of it.

Mr. JONES: We heartily endorse this resolution. I wish I knew how it could work better.

Mr. HARDIE: Is this not entirely up to the band itself? Should the work not be done in the band itself?

Mr. McQUILLAN: Did not one of the witnesses strenuously object this morning to cancellation or refusal of the right to lease land?

The VICE-CHAIRMAN: It was used this morning as an example in discussion; but as I recall it Mr. Knight said most of the revenue was from leases.

Chief KNIGHT: Band leases, not the private ones.

The VICE-CHAIRMAN: As I understand it there now are no individual leases.

Chief KNIGHT: There are still some in existence until they expire.

The VICE-CHAIRMAN: Individual leases?

Chief KNIGHT: Yes. Some of them have to run perhaps another couple of years, and then they expire.

The VICE-CHAIRMAN: Then they will be all band leases, from then on.

Chief KNIGHT: A lot of them still wish to farm on their own, if they can find a way to farm, themselves.

Mr. McQUILLAN: As an example, take the man with 18,000 bushels of wheat. He must be farming about three sections of land. Does a farmer such as that make any contribution at all to the band funds? Would he pay any form of assessment, taxation or anything else?

Chief KNIGHT: No.

The VICE-CHAIRMAN: No rental?

Chief KNIGHT: No. These are private holdings which were given them for their lifetime from the council. Some of them had farmed them themselves.

The VICE-CHAIRMAN: Although they have no location ticket for that land.

Chief KNIGHT: Just the location ticket from the council.

Mr. WUTTUNEE: That is why I say it is a great problem. Wherever you go it is different. You need a policy applicable to all these reserves so that the Indians will know where they stand and the Indian affairs branch will know where it stands.

Chief KNIGHT: One reason why we did not like these private leases, from what I could gather, was that some were holding these lands, the white man was farming there, and their children had no way of learning how to become a farmer and just walked up and down the farm getting into mischief. That is why I wish there could be something done such as increasing the farm loan so that the individual Indian can show the next generation how to farm. So long as the Indians or the band as a whole are leasing the land the Indian himself will go down.

The VICE-CHAIRMAN: You have people who want to farm these lands if the lands are available to them?

Chief KNIGHT: Yes; but they have no means.

Mr. WUTTUNEE: I believe there will be valuable assistance on this point in the brief of the Saskatchewan government.

Chief KNIGHT: We have tried to start co-operatives with six men in a group working their holdings, but apparently we have got nowhere with that yet.

Mr. WUTTUNEE: I would like to mention farming again. Farming is generally a difficult livelihood for non-Indians and it is even more so for the Indian. We recommend that properly controlled co-operative farming be instituted on a wide basis. In this respect the services of the provincial department of cooperation could be made available to the Indians.

There is presently a successful co-operative farming scheme at Matador, and it is very possible that Indians could be started on such a program. There is great need for individuals and groups of individuals to be considered as economic units for the purpose of farming; and surely the federal government could give outright grants to selected units for agricultural purposes.

We have suggested co-operatives in farming, and we also have a section dealing with co-operatives in other areas. In northern Saskatchewan co-operatives are working out very well. On the board of directors they have many native people. In one case I think they only had about \$3,000 or \$4,000 two or three years ago, and now they have done \$100,000 worth of business. We suggest that co-operatives in farming and in other areas as well are desirable because they are working in northern Saskatchewan. If it works in the north it should work as good or better in the south.

Mr. HARDIE: Can you tell me where this particular place is?

Mr. WUTTUNEE: Fort Black.

Mr. HENDERSON: Is that Matador?

Mr. WUTTUNEE: Are you referring to Matador?

Mr. HARDIE: I am wondering—this \$3,000—

Mr. WUTTUNEE: I believe Fort Black is the name of the co-op. It is located in the western part of the province, the northwestern part. They are doing wonders. They can actually demonstrate that, given the proper guidance, they can be like any other good business men and make the business pay. That is because they are getting guidance in the cooperative. They are helped to set up, and they are helped to make these decisions, until they are on their own, when they are permitted to look after their business thereafter.

Mr. HARDIE: Does the Department of Indians Affairs give this guidance?

Mr. WUTTUNEE: No; the province of Saskatchewan.

Senator HORNER: They have a wonderful opportunity, if it is on the reserve: they pay no income tax, no tax of any kind, so they can easily compete, or ought to be able to more than meet any competition.

The VICE-CHAIRMAN: Ladies and gentlemen, it is 25 minutes to 6. We would like to complete this brief, although I do not want to rush you, or to appear to rush you. We would like, if possible, to complete this brief tonight, because the other delegates are here for to-morrow's meeting. We have six more resolutions to take up in the few minutes at our disposal. Resolution No. 34, veterans' affairs.

Mr. McQUILLAN: We do not seem to have a possibility.

The VICE-CHAIRMAN: Oh, I think so.

Mr. WUTTUNEE: That deals, in short, with the establishment of the veterans of Indian descent, or can deal with the Indian veterans personally.

The VICE-CHAIRMAN: Number 35.

Mr. WUTTUNEE: Indian administration.

Whereas Indian affairs in Canada were at one time administered by a separate department—

You have dealt with this before. The subject matter is that there should be a separate department of Indian affairs. You have 175,000 Indians in Canada, and you are trying to have a branch act as a legislative body, a court, and everything else with respect to these Indians. We submit that the least you could do, perhaps, is to have a separate department for them.

The VICE-CHAIRMAN: Number 36.

Mr. WUTTUNEE: Indian representation in parliament.

Whereas Indians are not now represented in the House of Commons and

Whereas it is unjust for the natives of Canada not to be represented and

Whereas the said Indians are a minority group and should certainly be represented

Be it therefore resolved that parliament be asked to provide for representation of Indians in the House of Commons by Indian members to be elected on the basis of proportional representation by provinces

This was prepared before the vote was given to them. We had no idea the vote would be given to them. However, our idea was based along the experience of the Maoris in New Zealand.

We envisage that such representation would be a temporary measure pending the political education of the Indians. Such representation could be on the basis of one member of parliament for each of the prairie provinces

and one for the maritimes, while the Yukon territory and the Northwest Territories could be combined and be represented by one M.P. Ontario and British Columbia could each be represented by two members, because of their large Indian population. The foregoing representation would require ten Indian members who would be elected only by the Indians themselves.

If you were to make such a proposal to the Indians, I am sure you could convince them very easily that they should accept the vote.

Mr. BALDWIN: Mr. Chairman, I have a comment to make on this. I asked somebody that a year ago. I believe it may have been Mr. Moses, or somebody in the delegation from Ontario. I said they envisaged the same system as prevailed in New Zealand, where the Maoris elected a certain number of their people to sit in the House of Representatives as Maori members.

I think the answer I got from the delegate was that definitely they are opposed to that. Of course, that is only one individual delegate.

Mr. WUTTUNEE: Yes. You are dealing with Ontario Indians there; you are not dealing with Saskatchewan.

Mr. JORGENSON: Would this not be in conflict with the general context of your brief? What you are asking for is to be treated equally.

Mr. WUTTUNEE: Yes, that is right. However, we must face facts; we are not being treated equally in this way. There has been some voice given in the senate. The effective place would be in parliament, and now, with the vote, it will of course give the Indians the chance to cast their vote.

This way there would be no doubt that they would be represented—because Indian affairs is a special type of problem which requires a lot of study, if you are going to be familiar with the various ins and outs of the problems.

The VICE-CHAIRMAN: Number 37.

Mr. WUTTUNEE: We have for a long time in Saskatchewan attempted to have that social survey among the Indians, something similar to the B.C. study and also to the Manitoba study. We feel conditions are different in Saskatchewan. It is certainly different to B.C. It may be something similar to Manitoba. The Manitoba study, I am sure, has certainly helped the administration face these problems.

We feel money could easily be spent in Saskatchewan to great benefit, so that you might know what the problems are in Saskatchewan. And if B.C. could qualify for a good grant, I do not see why Saskatchewan cannot qualify for a grant as well, in conducting such a social research survey.

The VICE-CHAIRMAN: Number 38.

Mr. WUTTUNEE: We directed this resolution to the United Nations:

Whereas the Indians of Canada have for many years posed a serious problem to the Canadian government and

Whereas the said Indians constitute a minority group and

Whereas a new approach to the Canadian Indian may be gained by seeking the aid of an international body experienced in minority group problems

Be it therefore resolved that the United Nations economic and social council through its commission on human rights and its subcommission on prevention of discrimination and protection of minorities be requested to investigate and assist the government of Canada in resolving her Indian problem.

We feel that they have given technical assistance in solving these problems in other areas, and perhaps some advantage could be gained in having some direction and assistance from this body in helping solve this problem.

The VICE-CHAIRMAN: Are there any questions?

Senator HORNER: I think that is surely an extravagant request, under the circumstances, with all that has been done at the present time.

Mr. WUTTUNEE: If I may say so, Mr. Senator, the Canadian government has spent—in part of this brief we have dealt with that—approximately \$50,000,000 to \$75,000,000 a year to assist the underdeveloped countries. You spent \$25,000,000 on your Indians in Saskatchewan. I am not blaming any one particular person or group.

What we say is this: you have a problem in Canada. We know there is a problem in Canada. You give this much money away, to good advantage, which also benefits other areas. But perhaps, in order to take this new look which we are asking you to take—to take a new approach, it has to be done with some force, and perhaps this would be some way.

Senator HORNER: We are continually taking a new look and are continually improving and amending; and I certainly do not think there is any evidence of harsh treatment by the Canadian people of the native population that would make it appear necessary for you to go to the United Nations. Certainly, you have not any ground for—

Mr. WUTTUNEE: We are not suggesting that the Canadian people have misused the Indian. What we say is this, that in order to solve a problem which exists, any person would be willing, or should be willing, to obtain any kind of assistance, technical or otherwise, to solve such a problem. That was the intention of that resolution.

The VICE-CHAIRMAN: Number 39.

Mr. WUTTUNEE: Resolution No. 39, conferences:

Whereas there was a national superintendents' conference at Banff on September 14, 1959, and

Whereas no Indians were invited to the said conference and

Whereas it is desirable to provide mutual understanding between the officials of the Indian affairs branch and the Indians

Be it therefore resolved that the Indian affairs branch be requested to invite Indians to participate at all future conferences of the said superintendents.

Mr. JONES: We have that under consideration at the present time. Indians are invited to many of our conferences—for example, our agricultural conference in Alberta. We have an Indian advisory committee that assists in allocating the B.C. special vote of \$100,000. However, after the Banff conference, we did give thought to how to approach it a little differently the next time we have a large conference—and I would not be surprised if there were not some Indians present.

Mr. HARDIE: At the same time, Colonel Jones, I think your department could do something in regard to these meetings you have with Indian chiefs—and I am thinking of the one you held at Fort Smith a few years ago. A group of people from Ottawa held that meeting with these Indian chiefs, and to this day, 90 per cent of the Indians still do not know what went on at that meeting. I know the Indians requested that certain whites attend the meeting, and were refused. I think in this business of meetings between Indian chiefs and departmental staff from Ottawa—when they are seeking guidance—they could also include other interested parties. I am sure that 90 per cent of the Indians in my riding did not know what went on at that meeting. As a matter of fact, half of the chiefs still do not know what went on. They did not understand anything about it.

Mr. JONES: Well, Mr. Chairman, I assume that you are going to allow me to reply to that statement.

The VICE-CHAIRMAN: Yes.

Mr. JONES: This was the last of a series of meetings that the deputy minister and I initiated throughout Canada, with the idea of having Indian delegates, chosen by themselves, meet at some central point, with the top officials from Ottawa, with an agenda drafted up by themselves. We spent two or three days, in the interests of the branch and Indian administration, in dealing with the problems of the Indians.

We felt we came much closer to the problems. At every place where we had a conference, the Indians gave a vote of appreciation for head office officials who came from Ottawa to meet the Indian delegates, and discuss their local problems. At that time, the policy was that the only people who would be at the meeting would be the Indians themselves, so they would be free to express themselves in their own manner.

We had interpreters at the Fort Smith conference and, as far as I know, every Indian—and many of them took part—understood everything that went on.

Mr. HARDIE: You know, yourself, that even in connection with this commission that went to my riding this year to try to make a settlement with the Indians on this land question, 90 per cent of those Indians did not know anything about the land settlement until the commission arrived there this summer.

The VICE-CHAIRMAN: Mr. Hardie, I wish you would let Colonel Jones finish his statement.

Mr. JONES: At the Fort Smith meeting land entitlement was one of the matters most discussed. It was one of the most important meetings which we have had. With the aid of interpreters, I posed the problem to them, and I asked them to return to their homes and their bands, and discuss during the following winter how they felt the land entitlement—under treaties Nos. 8 and 11—should be satisfied.

There was no doubt, in my mind, that the Indians were fully aware of the problem. We asked them to consider it, and to let our superintendents know what views they had as to how this land entitlement should be extinguished—and we had interpreters there. When we got back to Ottawa, we had notes printed of the minutes and sent every chief a copy of them. That was the first time that we got down into the area where the Indians lived, and talked their affairs over with them.

As the chief officer in charge, I know that I learned a lot. I am sure, from the reaction of the Indians, who took a great deal of interest in this, they also learned a lot; and our administration improved as a result.

I just wanted to tell it the way I saw it.

Mr. HARDIE: Well, if Mr. Jones would like to accompany me around my riding next year, we will see how much the Indian remembers or knows about the Fort Smith conference.

The VICE-CHAIRMAN: Are there any further questions on that?

Ladies and gentlemen, that completes the brief. Of course, I am sure you will understand that we cannot possibly go through the Indian Act, which you have included in the last of your brief. However, I can assure you that the committee will give it every consideration, when they make their recommendations to the House of Commons.

On behalf of the members of the committee, I would like to say how much we appreciate your brief, the amount of time you obviously have spent in preparing it, and the way you have given it. We thank you very much for

your ideas, and if there is anything further that either you or your friends have to say, you can do so at this time.

Mr. WUTTUNEE: I have nothing more to say, Mr. Chairman, except to say that the model Indian Act is there for your guidance, when making your recommendations. It is my feeling that the legislation which is recommended should be somewhat similar to what we have suggested because, as I have said, it is so easy to change a phrase, or to leave out a word or two, which could change it completely. In this way, we have set it out specifically so that there is no doubt as to what we are requesting.

Mr. TOOTOOSIS: On behalf of the federation of Saskatchewan Indians, I would like to take this opportunity of thanking this government for giving us this hearing.

The VICE-CHAIRMAN: Just before we conclude, gentlemen, we have received a wire from some other bands in Saskatchewan, and it will be necessary to read this into the record.

I will ask the Clerk to read this wire.

The CLERK OF THE COMMITTEE: I have a telegram signed by Mr. Charlie Jack, from Paynton, Saskatchewan, which reads as follows:

Resolution made for the abolishment of voting, liquor and franchise. We members attending the meeting of Queen Victoria Treaty Protective Association moreover for the federal and provincial elections hereby resolve that we are not in favor of the federal and provincial vote and liquor rights—since the members of the Queen Victoria TPA are opposed to the brief of the Federation of Saskatchewan Indians be it therefore resolved that we are not included in the resolutions of the federation. Signed by the undermentioned bands members of the QVTP Association reserves.

Pound Maker, Little Pine, Sweet Grass, Loon Lake, Big Island Lake, Little Island Lake, Lucky Man, Onion Lake, Thunderchild, Muscowpotung, Okeeneese, Carry The Kettle, Peepeekisis, Star Blanket, Wood Mountain, Ermineskin Reserve, Hobema Alberta, Montana Reserve, Hobema Alberta.

Mr. HENDERSON: We have had the Hobema Indians here.

Mr. WUTTUNEE: I do not see why that is included in reply to this brief. We represent only the people we have stated. If they wish to present their own brief, that would be the time to cover such objections.

The VICE-CHAIRMAN: It is not included in your brief, but we have to have it read into today's proceedings. We received this telegram, and it has to be in the record.

Mr. MARTEL: Has this group asked to be here?

The VICE-CHAIRMAN: No.

Mr. WUTTUNEE: That was a defunct group, until recently.

Mr. McQUILLAN: This telegram points up the difficulties with which we, as members of this committee have to deal.

The VICE-CHAIRMAN: Tomorrow we will hear the Aboriginal rights committee and the Nishga tribal council from British Columbia. The meetings will be at 9.30 in the morning and 3.30 in the afternoon. They will be held in this same room.

Appendices

- Appendix G1 Montreal Lake Band (William Charles)
- Appendix G2 Moose Woods Band
- Appendix G3 Piapot Indian Band
- Appendix G4 Peter Pond Lake Band
- Appendix G5 Keesekoose Band

APPENDIX "G1"

MONTREAL LAKE BAND (William Charles)
Saskatchewan

July 29, 1959.

Dear Sirs:

Montreal Lake of the William Charles Band includes The Little Red River Reserve. ALL the following Resolutions report a Brief to the Senate Committee of the House of Commons, *first*:

Sec. (I), Clause 69 of Indian Act, Loans to Indians: Resolved that the Band wishes Sec. 69 to be immediately enforced, viz. (1) (a) (b); (2); (3); (4); (6) with the exception of (5) about which we wish to have more understanding. Most urgent in connection with Sec. 69 is our fishing equipment. Part of our Reserve is situated in the waters of Montreal Lake. The outsiders do all the commercial fishing here. We wish to have the right to do commercial fishing in separate co-operative projects for Indians, also to sell our fish in the open markets as well as through the Saskatchewan Fish Marketing Service.

Second: (II) Resolved, we wish to get paid for Highway going through our Reserve, payments to be made yearly—a right which was not surrendered by the Band.

Third: (III) We wish to know whether or not 5000 acres of land was set aside for the William Charles Band, also Lac La Ronge and Stanley Bands.

Fourth: (IV) Resolved, that we would like to have another subagent in our district. We prefer an Indian that can speak our language.

Fifth: (V) We would like to have more opportunity to study the Indian Act.

Sixth: (VI) Resolved, that we would like to have more improvements in housing conditions such as were promised to us in the year of 1958.

Seventh: (VII) Resolved, that as concerns the Bittern Lake situated partly in the Reserve, the Band wishes that a dam be made at the river, also that whitefish be put in that lake and be raised for us, as whitefish died years ago for lack of water.

Eighth: (VIII) Resolved, that the band wants to have a special foster home for children as well as for disabled patients.

Ninth: (IX) Resolved that one meal a day be given to children attending schools in our Reserves.

Tenth: (X) That Chiefs and Councillors be given the old style Blacksuits of distinguished uniform.

Eleventh: (XI) Resolved that the Band would like to have a Truant Officer stationed in our Reserve.

Twelfth: (XII) That all monies which are the proceeds of our Reserve be itemized under headings, with full details sent to us in each fiscal year.

Private Request: Chief W. Gilbert Bird. That I would like to resign from office as Chief.

The list of Resolutions above has been presented at meetings at Little Red River and Montreal Lake which is one Reserve of The William Charles Band. People of both Districts were very active and co-operative in every way to support the Brief.

Wishing for a reply as early as possible.

Thank you.

Chief Gilbert Bird
HM Noah Bird
HM Peter Bird X
(His mark)

HM Isaiah Halkett
HM Allen Bird
HM Colin Bird

APPENDIX "G2"

MOOSE WOODS BAND,
Saskatchewan

Moose Woods Reserve,
Dundurn, Sask.,
December 28, 1959.

Senator Gladstone,
Ottawa,
Ontario.

Dear Mr. Gladstone:

We, the members of the Moose Woods Reserve, Dundurn, Sask., beg your consideration in the following matters. We deeply appreciate your assistance and helpful guidance in the past and trust that this progressive attitude shall remain for the incoming year.

Thanking you,

Very sincerely,

WILLIAM LITTLE CROW,
Overseer.

MOOSE WOODS RESERVE,
Dundurn, Sask.

Roads,

Whereas there is not a good road to either Dundurn or Saskatoon and no resident doctor or hospital, and our nearest facilities are at Saskatoon, twenty-three miles distant

Be it therefore resolved that;

a move be made to improve said roads both for health reasons and as a means of trucking in our articles for sale and thus maintaining a satisfactory standard of livelihood.

and or:

in past years we have had to finance a snow-plow to keep roads open which cost over \$100—could the Department of Indian Affairs give some financial assistance?

Telephone,

Whereas we are separated from any outside community at a distance of twenty-three miles and poor roads

Be it resolved that we be given consideration in obtaining a telephone connection to Saskatoon.

Power,

Whereas the electric power line will be passing the Moose Woods reserve in the coming year

Be it resolved that the reserve as a whole be given consideration in obtaining the power not only in the classroom and school residence but also in the homes of resident Indians.

Health Services,

Whereas there does not seem to be a clear cut policy in this matter

Be it resolved that our reserve be given data on what it can expect in the way of services in connection with,

1. Dental services,

2. It is requested that Hospitalization Cards be issued for all band members be they on the reserve or working off the reserve but who are at the same time keeping stock and assisting in all reserve work—fencing, haying, etc.

Policy,

Whereas there have been changes in Indian policy in the past we would ask that said members be made acquainted with such proposed changes and if at all convenient be included in such meetings.

Housing,

Whereas the houses being built are not of sufficient size for family use,

Be it resolved that homes built in the future be larger with no less than three bedrooms and thus encourage good housekeeping and healthful living,

Be it further resolved that homes already built and of limited size be enlarged to accommodate family members.

Machinery,

Whereas no monies have been spent for several years for new or replacement machinery,

Be it resolved that: Moose Woods Reserve be given consideration in the purchase of power machinery for haying which is in itself our means of livelihood.

An Unfinished House,

Whereas a house for a band member was partially constructed and not completed and left standing for over three years

Be it resolved that: funds be made available to complete this house as early as possible in that said uncompleted building gives a poor appearance and opinion of other Band members.

APPENDIX "G3"

PIAPOT INDIAN BAND,
SASKATCHEWAN

Excerpt from Minutes of Proceedings and Evidence #20, May 9, 1947 of the
Special Joint Committee of the Senate and House of Commons

It is provided by Treaty 6 that the medicine chest shall be kept at the house of each Indian Agent for the use of the Indians at the discretion of such agent. The true interpretation of this provision was set out by Mr. Justice Angers in the Exchequer Court of Canada in a judgment in the Petition of Right case of George Dreaver, Chief, and John Ledeux and William (Sam) Favel, Councilors of the Mistawasis Indian Reserve, dated April 10, 1935, which does not appear to be reported. There it was stated that this clause should be broadly and liberally interpreted, and the "Medicine Chest" referred to in the Treaty should mean all of the necessary medical, dental, and health services which modern medicine makes possible for the maintenance of the health and strength of human beings.

For this reason it is submitted that in order that this clause of the treaty may be carried out according to its true intent and spirit, all medical, hospital, dental and public health services should be made available to every Treaty Indian by the Dominion Government without any charge whatsoever.

APPENDIX "G4"

PETER POND LAKE BAND
SaskatchewanDillon, Sask.
December 22, 1959.Mr. E. W. Innes,
Committee Clerk,
House of Commons.

Dear Sir:

During the last few years we have been trying to build houses but we could not. We have been promised the sawmill for years. And we have a big pile of logs ready to be sawn. So we need the saw mill very bad.

Also we were promised wagons and cattle, and we would like to know why we can't get them. Also we had nets for fishing and we could not pay them all. The trouble with us people is we have a hard time for our living most of the time. So that is why we can't pay for our nets. Because the last two years we had poor price for our fish 2 cents a lb. last year and now 4 four cents a lb. that is not very much.

I can't write a long letter for I have been only in Grade three when I was in school, so I wish you a Merry Christmas and the best of luck for the coming New Year.

I am

Yours truly,

(sgd.) CHIEF MICHAEL BENJAMIN
COUNCILLOR FELIX SYLVESTRE.

APPENDIX "G5"

The Council of the Keesekoose Band of Indians, in the Pelly Indian Agency 117 Indian Agency, in the Province of Saskatchewan at a meeting, held at St. Philips this ninth day of December, A.D. 1959.

Do Hereby Resolve:

We request that changes be made to Section 20 of the Indian Act deleting the words "with the approval of the Minister"—Reason: We believe that the owners of the land are in possession of the proper knowledge as to whom to allot lands amongst our Band.

ROY MUSQUE
(Chief)

JAMES CROWE
(Councillor)

VICTOR H. SHINGOOSE
(Councillor)

JOE STRAIGHTNOSE
(Councillor)

Third Session—Twenty-fourth Parliament
LIBRARY

1960

JUN 13 1960



Joint Committee of the Senate and the House of Commons

on

INDIAN AFFAIRS

Joint Chairmen:—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

THURSDAY, MAY 26, 1960

FRIDAY, MAY 27, 1960

WITNESSES:

From the Nishga Tribal Council: Mr. Frank Calder, L.T.H., President;
and Mr. Rod Robinson, Vice-President.

*From the Aboriginal Native Rights Committee of the Interior Tribes of
British Columbia:* Mr. George Manuel; Mrs. Genevieve Mussell; and
Mr. William Walkem.

From the Department of Citizenship and Immigration: Mr. H. M. Jones,
Director of Indian Affairs Branch.

From the Department of National Health and Welfare: Dr. P. E. Moore,
Director, Indian and Northern Health Services.

MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith (<i>Kamloops</i>),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, <i>Joint Chairman</i> ,	Mr. R. Leduc,
Mr. H. Badanai,	Mr. J. C. MacRae,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. H. J. Michaud,
Mr. J. A. Charlton,	Mr. R. Muir (<i>Cape Breton North</i>
Mr. G. K. Fraser,	<i>and Victoria</i>),
Mr. D. R. Gundlock,	Hon. J. W. Pickersgill,
Mr. M. A. Hardie,	Mr. A. E. Robinson,
Mr. W. C. Henderson,	Mr. R. H. Small,
Mr. F. Howard,	Mr. E. Stefanson,
Mr. W. H. Jorgenson,	Mr. W. H. A. Thomas—24
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 26, 1960.
(18)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Fergusson, Horner, Inman, MacDonald and Smith.

The House of Commons: Messrs. Charlton, Howard, Jorgenson, Martel, McQuillan, Small, Stefanson and Thomas.

In attendance: From the Nishga Tribal Council: Mr. Frank Arthur Calder, L. TH., President; and Mr. Rod Robinson, Vice-President. From the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia: Mr. George Manuel; Mrs. Genevieve Mussell; Mr. William Walkem; and Mr. Frank Calder. From the Department of Citizenship and Immigration: The Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director. From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

Mr. Howard, a member of the Committee, introduced Messrs. Calder and Robinson, and Mr. Calder read the brief submitted by the Nishga Tribe of Indians of the Nass River and was questioned thereon.

Mr. Calder tabled a map indicating territory claimed by the Nishga Tribe. (*Identified as Exhibit No. 7*)

Mr. Robinson made a supplementary statement dealing with problems of the Nishga Tribe.

Mr. Calder tabled a map indicating all recognized reservations in area of land claimed by the Nishga Tribe. (*Identified as Exhibit No. 8*)

The questioning being concluded, the Vice-Chairman thanked the delegates of the Nishga Tribe for their brief, and they were retired.

Mr. Howard, a member of the Committee, then introduced Messrs. Manuel and Walkem and Mrs. Mussell of the Aboriginal Rights Committee of the Interior Tribes of British Columbia.

Agreed,—That the Brief and the Supplementary Brief of the Aboriginal Native Rights Committee of the Interior Tribe of British Columbia be taken as read and included in this day's evidence.

Mr. Manuel made a statement on the Indian land question and dealt with non-treaty lands and allocation of land on Indian Reserves in the interior and was questioned thereon, assisted by Mrs. Mussell.

At 11.35 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING
(19)

The Committee resumed at 3.30 p.m., the Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Boucher, Horner, Inman and MacDonald.

The House of Commons: Messrs. Charlton, Henderson, Howard, Martel, McQuillan, Robinson, Small, Stefanson and Thomas.

In attendance: Same as at morning sitting.

The Committee resumed consideration of the brief of the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia, with Messrs. Walkem and Manuel and Mrs. Mussell being questioned thereon and supplying additional information.

The Minister interrupted the proceedings to inform the Committee of the passing of Mr. Gordon Fraser, a member of the House of Commons.

Mr. Jones, Director of the Indian Affairs Branch, and Dr. Moore, Director of Indian and Northern Health Services, supplied information on related matters.

And the questioning being continued, at 5.50 p.m., the Committee adjourned until 9.30 a.m. Friday, May 27.

FRIDAY, May 27, 1960.
(20)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Vice-Chairman, Mr. John Charlton, presided.

Present:

The Senate: Honourable Senators Horner, Inman, MacDonald and Smith (Kamloops).

The House of Commons: Messrs. Charlton, Henderson, Martel, Robinson, Small, Stefanson and Thomas.

In attendance: From the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia: Mr. George Manuel, Mrs. Genevieve Mussell and Mr. William Walkem. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed consideration of the brief of the Aboriginal Native Rights Committee of the Interior Tribes of British Columbia, with Messrs. Manuel and Walkem and Mrs. Mussell being questioned thereon and supplying additional information.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on related matters.

The questioning being concluded, the Vice-Chairman thanked the witnesses for their submission.

At 11.00 a.m., the Committee adjourned until 9.30 a.m. Wednesday, June 1.

M. Slack,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 26, 1960.

The VICE-CHAIRMAN (Mr. Charlton): Ladies and gentlemen, thank you very much for being here in good time this morning. We have more than a quorum.

Mr. Howard has asked the privilege of introducing these two delegates today.

Mr. HOWARD: Thank you, Mr. Chairman. Ladies and gentlemen, this is quite an honour because I know these two gentlemen very well. They are from my own constituency. They represent the Nishga tribal council which embraces four villages or communities of the Nishga people, with a population of approximately 1,800.

Mr. Frank Calder, who I understand will be the chief spokesman, is the president of the Nishga tribal council and is also a member of the B.C. special advisory committee of the Indian affairs branch which deals with the distribution of the special \$100,000 fund which has been appropriated each year, I think, since 1927. Mr. Calder is a graduate in theology of Anglican college at the university of British Columbia with an L.Th. degree. From 1949 until 1956 he was a member of our B.C. legislative assembly for the provincial constituency of Atlin. His colleague Mr. Rod Robinson, is the chief councillor of the village of Aiyanish, one of the villages of the Nishga people; he is also the vice-president of the Nishga tribal council.

The VICE-CHAIRMAN: Thank you.

We will call on Mr. Calder to present the brief.

Mr. FRANK ARTHUR CALDER (*President, Nishga Tribal Council, and Member of B.C. Special Advisory Committee, B.C. Indian Affairs Branch*): Mr. Chairman, my opening remarks will be to give thanks to the committee for allowing us this opportunity to present our case and our opinions on this very important question. This reveals to us—and we will certainly carry this thought back to our tribal membership—the fact that we now witness democracy in action. You are prepared to hear our case and other problems presented by the different natives throughout our country. Mr. Chairman, we are very pleased to have this opportunity you have given us.

On behalf of the Nass river tribal membership, we, the elected officers of the Nishga tribal council, wish to express their and our appreciation to you for granting us the opportunity and privilege of presenting this brief for your consideration.

The Nishga tribal council, representing the people of the Nass river Indian communities of Aiyansh, Canyon City, Greenville and Kincolith, or an Indian population of approximately 1800, was founded in April of 1955 for the express purpose to protect the Nishga land and natural resources interests, and to promote the health, education, social and economic interests of the Nishga nation or tribe of Indians.

The Nishga tribal council represents a democratic tribe of Indians, and it always respects the wishes of the majority, and it is pledged to work cooperatively with recognized groups, firms and governments, but it reserves the right to petition for:—justice, equal opportunities in employment and education, better living standards, improved medical attention, and amendments

to legislation which it considers to be in the best interest of its tribal membership and for the general good of the country as a whole.

In the Aiyansh conference of the Nishga Indians on January 30, 1959, and again in Greenville on October 31, 1959, the delegates, speaking on behalf of the people of the four Nass river villages, proposed and endorsed the following important points for your perusal and consideration.

IN THE MATTER OF COMPENSATION FOR THE LAND AND NATURAL
RESOURCES, AND THE DESTRUCTION OF TRAPLINES
IN THE NASS RIVER AREA.

In the matter of compensation for the land and natural resources, and the destruction of the Indian hereditary traplines in the Nass river area by the Columbia Cellulose Company of America, Watson island division, the Nishga nation or tribe of Indians of the Nass river herewith bring to your attention, the original land claim which was lodged with His Majesty's Privy Council in May 13, 1913:—

From time immemorial the said nation or tribe of Indians exclusively possessed, occupied and used and exercised sovereignty over that portion of the territory now forming the province of British Columbia which is included within the following limits, that is to say:—Commencing at a stone situate on the south shore of Kinnamox or Quinamass Bay and marking the boundary line between the territory of the said Nishga nation or tribe and that of the Tsimpsean nation or tribe of Indians, running thence easterly along said boundary line to the height of land lying between the Naas river and the Skeena river, thence in a line following the height of land surrounding the valley of the Naas river and its tributaries to and including the height of land surrounding the northwest end of Mitseah or Meziadan lake, thence in a straight line to the northerly end of Portland canal, thence southerly along the international boundary to the centre line of the passage between Pearse island and Wales island, thence south-easterly along said centre line to the centre line of Portland inlet, thence north-easterly along said centre line to the point at which the same is intersected by the centre line of Kinnamox or Quinamass bay, thence in a straight line to the point of commencement.

At this point I would like to submit the map which outlines what I have given here.

The VICE-CHAIRMAN: You will leave this with us?

Mr. CALDER: Yes.

In connection with the above territorial boundaries defined, we quote from the proclamation His Majesty King George the Third issued on the 7th day of October, 1763, relative to ownership and to the recognition and right of such tribal nation as the Nishgas to possess, occupy and use the defined territory: May I say a few words at this point.

The VICE-CHAIRMAN: Yes, proceed.

Mr. CALDER: This proclamation is a little over a page in length, I would like the committee to understand that *Hansard* is about the only book that we possess, in cases of this nature. We have practically all of the population of British Columbia interested in this case, and that is the reason why we would like to have the whole of our brief read.

I would ask permission to read this whole proclamation.

The VICE-CHAIRMAN: Proceed.

Mr. CALDER:

"And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominion and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds; we do therefore, with the advice of our privy council, declare it be to our royal will and pleasure that no governor or commander in chief in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; as also, that no governor or commander in chief in any of our other colonies or plantations in America, do presume, for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic ocean from the west and northwest, or upon any lands whatever, which, not having been ceded to, or purchased by us as aforesaid, are reserved to the said Indians, or any of them.

"And we do further declare it to be our royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians all the lands and territories not included within the limits of our said three new governments, within the limits of the territory granted to the Hudson's Bay Company, as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest as aforesaid, and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and licence for that purpose first obtained.

"And we do further strictly enjoin and require all persons whatever, who have either willfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, which, not having been ceded to, or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

"And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians;

"In order therefore to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do with the advice of our privy council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlement; but that if, at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us in our name, at some public meeting or assembly of the said Indians to be held for that purpose by the governor or commander in chief of our colonies respectively, within which they shall lie; and in case they shall lie within the limits of any proprietary government they shall be purchased only for the use and in the name of such proprietaries, conformable to such directions and instructions as we or they shall think

proper to give for that purpose: and we do, by the advice of our privy council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects whatever: provided that every person who may incline to trade with the said Indians, do take out a licence for carrying on such trade from the governor or commander in chief of any of our colonies respectively, where such persons shall reside; and also give security to observe such regulations as we shall at any time think fit, by ourselves or by our commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin, and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government as those under the government and direction of proprietaries to grant such licences without fee or reward, taking especial care to insert therein a condition, that such licence shall be void, and the security forfeited, in case the person, to whom the same is granted, shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

"And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all persons whatever, who, standing charged with treasons, misprisons of treasons, murders, or other felonies or misdemeanours, shall fly from justice, and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they stand accused, in order to take their trial for the same."

In other words, we claim to be the aboriginal inhabitants of the territory defined, and that under terminology of the proclamation, we are the tribal owners of said territory, and that no part of it be taken from the Nishga nation or tribe of Indians, or the land and natural resources, such as timber resources be sold and disposed of until the same has been purchased by the crown.

We claim that our aboriginal rights have been guaranteed by the proclamation of King George the Third and recognized by acts of parliament of Great Britain, and by our aboriginal rights, we claim tribal ownership of all fisheries, minerals, timber, and other natural resources within the realm of the territory outlined.

Section 109 of the British North America Act 1867, states that:

All lands, mines, minerals, and royalties belonging to the several provinces of Canada . . . and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several provinces . . . in which the same are situate or arise, subject to any trust existing in respect thereof, and to any interest other than that of the province in in the same.

That is to say that at the time of confederation, and the union of the British Columbia province with Canada, all lands embraced within the territory of the Nass river became the property of British Columbia subject to any interest other than that of the province therein.

Notwithstanding the evidences produced by the proclamation, the British North America Act, and the report of the Department of Justice in 1875, which decided that the Indian tribes of British Columbia are entitled to an interest in the land of the province. The province has continued through the years, disposed, sold, leased and licenced off large proportions of the Indian

territories, such as in the case of the Nass river area, the granting of forest management licence No. 1 to the Columbia Cellulose Company of America, Watson island division. Government transactions have materialized without respect to the land interest of the Indians or without the land being purchased by the crown as required by the proclamation of King George Third.

May we point out that a resulting factor in the forest management licence No. 1 has been the destruction of the Nass river traplines. The government of British Columbia and the Columbia Cellulose Company of America transacted the forest management licence No. 1 and therefore they are part and partial of the timber licence arrangement. However, while we claim the right to compensation for the land, timber resources and for the destruction of our Indian and hereditary traplines in the Nass river valley, we go on record as welcoming the industrial development and expansion in the Nass river territory, provided that in the meantime, the federal and provincial governments, the Columbia Cellulose Company of America, and the Nishga tribal council, arrange to meet as soon as possible for the purpose of reaching a satisfactory settlement justly and in accordance with the British principles embodied in the royal proclamation.

Frank Calder,
President, Nishga Tribal Council

Alvin McKay,
Sec-Treas., Nishga Tribal Council

Hubert Doolan,
Chairman, Nishga Tribal Council

Rod Robinson,
Aiyansh Vice-Pres., Nishga Tribal
Council

Roy Azak,
Canyon City Vice-Pres., Nishga
Tribal Council

William McKay,
Greenville Vice-Pres., Nishga Tribal
Council

Solomon Doolan,
Kincolith Vice-President, Nishga
Tribal Council.

The VICE-CHAIRMAN: I assume, Mr. Calder, you have some further remarks to make, before you subject yourself to questioning by the members of the committee.

Mr. CALDER: Yes.

May I just state here, that the area which I have outlined is, according to the land office in Prince Rupert, approximately 6,400 square miles or, in their figuring, over 4 million acres.

I would like to state here that aside from the report of the Department of Justice in 1875, and the proclamation which I have just read, we do state that we have aboriginal rights, Mr. Chairman, and we stand on this.

From time immemorial, the Nass river Nishga Indians possessed, occupied and used the Nass valley, Observatory inlet, Portland inlet and canal. And, from

time immemorial, the Indians of Nass river hunted in its woods, fished in its waters, streams and rivers; roamed and pitched their tents in the valleys, shores and hillsides; buried their dead in their homeland territory, and exercised all the privileges of free men in that tribal territory.

We contend the Nishga have never been conquered and, therefore, no treaties, acts or regulations have come into being to govern the B.C. Indian, as far as we are concerned, in that particular area.

It appears to us that we are in a separate category. When B.C., in 1871, joined confederation, the Indians automatically came under a treaty which was already in existence in 1869, in Canada. In other words, the Indians in B.C. took no part, nor were they ever consulted in what entered into the Indian Act. As far as we are concerned, there has been no major connection, no treaties, and we contend that our aboriginal rights must be considered in the discussions and deliberations in regard to land in British Columbia. We contend that we definitely are entitled to all lands that we formerly held.

Of course, since the advent of the white race, our aboriginal privileges have gradually diminished. We also state here that the Nishga have never ceded or extinguished their aboriginal title within the territory defined.

Now, I do not believe that I should go into the details at this time, as that will be brought out during the questioning period. However, I wanted to read the brief, and to show the three items upon which we stand, in case it has to go to court. The Nass river Indians and, I imagine, their brothers in the B.C. interior and elsewhere, are prepared now to face realities and, particularly, to face this subject in court because, as long as this case rests as it is now, there will definitely be unrest in the minds and thoughts of the Indians in British Columbia. There will be no rest in their minds until this subject has been given a proper hearing and judgment placed upon it by the courts—which, we hope, this committee will find for us.

We definitely are looking for a way, and we are here to ask your assistance to find a way for us to meet the B.C. government, and yourselves, perhaps, in court because, after all analyses have been looked over, we are prepared to meet the B.C. government. We do not know what the future holds in regard to the present government. However, we do know this: the British Columbia government have avoided this issue. They have refused to give reference by which we could face them in court. We do hope, when you have given your final report, that you will be good enough to put in all your efforts to find a way by which we can face one another in court or, if not in court, in a round table discussion, from which we can arrive at a solution.

Thank you, Mr. Chairman.

Would it be in order, Mr. Chairman, if my colleague, who is well versed in this subject, said a word or two?

The VICE-CHAIRMAN: Yes.

Mr. McQUILLAN: Mr. Chairman, just before he proceeds, could we have that map passed around so we could have a good look at it—at least, those of us who are familiar with the territory.

The VICE-CHAIRMAN: Mr. Robinson, then you may continue with your remarks at this time.

Mr. Rod ROBINSON (*Aiyansh Vice-President, Nishga Tribal Council*): Mr. Chairman and honourable gentlemen: it is my privilege at this time to elaborate a little on the trap lines mentioned in the brief. I wish to elaborate on the subject of trap lines. There are 60 registered trap lines in existence in the Nass valley, and there are 160 persons trapping on those 60 trap lines.

You will no doubt wonder why, out of the total population, only a very few persons pursue this traditional occupation of our people. Over the past years fur markets have been on a steady decline, and during the years when fur prices were still good, the average take-home pay realized at the time was between \$800 to \$1,000. Today some of these trap line have already been destroyed by the logging operations, as mentioned in our brief; and, as industry moves further into our territory, more trap lines will be destroyed.

As stated in our brief, we go on record as welcoming industrial expansion; but the fact remains that we must be compensated for our damaged properties. As already pointed out, the proclamation of King George III recognized this fact, and it was also supported by the Minister of Justice report in 1875, when they firmly established that we do have an interest in the land.

Contrary to this, the provincial government has been leasing and selling lands without taking into consideration that we do have an interest in the land. For example, the government, we have noticed in the past—most of you are familiar with the Wenner-Gren project, as sure as I am sitting here today. Indians probably have an interest in that project. Here again, it is our case that we do have an interest in that project.

So here it is, again, with our case. We do have an interest in the Nass valley. The logging companies have moved in; and also, very recently, I believe it is the Northwest Industries, part of Frobisher Ventures, was also granted permission to establish a dam site there. The provincial government has been taking liberties that are very critical to us, the natives. So, as Mr. Calder has already explained, there will be no rest in the minds of the people until this has been brought into court.

We leave it to you honourable gentlemen to assist us. We are here today to ask you to assist us in finding an avenue, or channels, in which we can both find satisfactory solutions.

Those are my remarks at this time, Mr. Chairman.

The VICE-CHAIRMAN: Thank you very much, Mr. Calder and Mr. Robinson. I do want to assure you both that this matter will be given every consideration by the committee. This matter was before the committee at the sittings last year and was discussed very thoroughly at that time.

Although part of those sittings were in camera and those proceedings do not appear in the record as printed, I can assure you that it was given a very broad airing. I can also assure you that the department and the committee will do everything in their power to see that this matter is straightened out. Are there any questions, gentlemen?

Mr. HOWARD: Mr. Chairman, I do not know whether Mr. Calder has this in its entirety, or whether it is published in some document or proceedings. I wondered whether it might not be possible to obtain the report, as it were, of the Minister of Justice of 1875, to which reference is made—that is, in those proceedings?

Mr. CALDER: It is an excerpt from dominion and provincial legislation, 1867-1895, page 1024, report of the Honourable the Minister of Justice, approved by his Excellency the Governor-General in Council on the 23rd January, 1875; documents dated Department of Justice, Ottawa, 19 January 1875.

That very important document was signed by T. Fournier, Minister of Justice; and H. Bernard, Deputy Minister of Justice. I think you could obtain that right here in Ottawa.

The VICE-CHAIRMAN: Yes, it is completely detailed at page 39 of the special committee of the Senate and House of Commons meeting in joint session, 1926-27. So it is available to us here. Are there any further questions, gentlemen?

Senator HORNER: I would like to ask Mr. Calder if any of this territory joins, or is near the strip belonging to the United States projecting down from Alaska.

Mr. CALDER: No.

Senator HORNER: Have you any knowledge of what treatment the Indians are receiving in the state of Alaska?

Mr. CALDER: With regard to their question?

Senator HORNER: Yes, with regard to the question of the land, and so on. Have you any knowledge of tribes of Indians—are they located in this strip along the coast?

Mr. CALDER: Yes; they are the Tlinkit and the Haida tribes, and their case is now, I think, heading towards the courts. They have exactly the same case as we have, and they are given a full hearing on it. I understand their case is now going ahead. They are also focusing their sights on our particular case in British Columbia, because we have the same case.

Senator HORNER: Do you know anything about the extent of the boundary that they are asking to retain: do you know what portion of the boundary that is?

Mr. CALDER: No, I have not got that knowledge. I have not, really, gone into their case at all, although I have records of it. But I have not really studied their cases.

Mr. HOWARD: I wonder if this might give some indication to Senator Horner about this matter. There was a decision of the U.S. court of claims, I believe it was in December of last year, with respect to the Tlinkit and Haidas and their land question; and it is precisely the same, as I understand it, as the Nishga people and other tribes in B.C., claiming sovereignty over the land that they had not ceded. The decision of the U.S. court of claims was that that was so, that they did have this title and this aboriginal right.

This was arranged because of an act of Congress that allowed this case to proceed to court. This is the procedure they use in the United States. The U.S. court of claims decided that they did have title, and steps are now being taken, subsequent to this special act, to determine the value of the land.

Senator HORNER: But you have no idea of what proportion of the total area they are wishing to retain?

Mr. HOWARD: No, I could not tell you that. But perhaps this information might be in the U.S. court of claims decision. It is rather a voluminous document, and it might be in there.

Mr. SMALL: In other words, they obtained the fiat from the United States government?

Mr. HOWARD: No, a special act of Congress.

Mr. SMALL: It is the same thing.

Mr. MCQUILLAN: Mr. Chairman, this is only one of a number of such claims, I believe. Any Indian tribe could base a claim on the same basis that this claim has been based.

I just wonder what it is hoped to achieve. I think the Indians must be realistic enough to realize that they cannot get this back. They say they were never conquered; but I am sure they would soon be conquered if they tried to do that in every place in British Columbia.

I just wondered what their aim is in putting forward this claim.

Mr. CALDER: We are not claiming the land back, in the manner that when we do get it back we are the rulers: that is definitely not our claim. We want recognition that we do have rights within the territory defined—and perhaps our brothers on the outside have the same feeling.

We know that we have rights, and we want them recognized by the governments. The governments in the past have refused us these rights. We can argue until we are blue in the face: the government says this; we say this: and we say that when there is disagreement, it should be settled in court.

The answer to my friend's question is, as I stated, that we are not after the taking back of the land and then being rulers over it. We know we will never get it back. It is well settled now. We only want our title recognized and compensation paid.

Senator HORNER: It is compensation you are after, really?

Mr. CALDER: Yes.

Mr. SMALL: You mentioned something about a treaty in 1869, if I remember correctly.

The VICE-CHAIRMAN: I think that was just a mistake of the year. You meant the British North America Act, did you not?

Mr. SMALL: You said something about a treaty in 1869.

The VICE-CHAIRMAN: I think that was with reference to the British North America Act, was it not?

Mr. CALDER: 1867, the British North America Act. That came up when I referred to section 109.

The VICE-CHAIRMAN: Yes, I think that is what you were referring to. Mr. Small, I took it that that is what Mr. Calder was referring to.

Mr. SMALL: Then you said you had no treaties, and I was trying to get that straightened out. But the thing is, you have no treaty. Ordinarily, if there is a treaty and you give up any land, you have to have a surrender?

Mr. CALDER: Yes.

Mr. SMALL: In your case there is no basis for operating that, and your case now is that you want to proceed with the court case to establish your rights: it is not a question of sovereignty at all?

Mr. CALDER: Yes, that is right.

Mr. SMALL: In the United States they have an act that when you are dealing with the case, you have to get a fiat to sue the crown before you can proceed.

Mr. MARTEL: Mr. Chairman, I have a question of the witness. As I understand it, they represent 1,800 people in that area?

Mr. CALDER: Yes.

Mr. MARTEL: There are other people living there. Are there many other people living there—settled there already?

Mr. CALDER: No, no others are settled. You see, sir, the Nass has just recently been opened up by the Columbian Cellulose road, which comes in from Terrace—and even at that, there has been no settlement. Only the loggers are in there, and of course they live in Terrace and the surrounding areas.

As far as settlement is concerned, we have the Northwest Ventures group in there, a subsidiary of Frobishers, who, through the B.C. government, has established a "freeze" over the place while their surveys are going on. Their surveys have been completed, but the "freeze" order is still there and no-one can settle in the area.

Mr. MARTEL: That means you cover the majority of the population in that area?

Mr. CALDER: That is correct. It is practically all natives that live in the area.

Mr. MARTEL: For my benefit—how much area would that cover? Approximately how many square miles?

Mr. CALDER: The area which I defined?

Mr. MARTEL: Yes.

Mr. CALDER: 6,400 square miles, approximately. That is the figure I obtained from the land office in Prince Rupert before we boarded the plane.

Mr. MARTEL: Do you have any information about the people who were there in 1763, when the proclamation was made by King George III? Were many Indians living in that area at that time—any of your tribe?

Mr. CALDER: Yes, definitely.

Mr. MARTEL: Then they spread over, I suppose?

Mr. CALDER: Yes, we have always been there, as far as we know. It was in 1800. There were thousands upon thousands, as we know it, before the disease hit the area.

Mr. MCQUILLAN: When Columbian Cellulose advertised this application for a forest management licence, were there any official protests filed by the councils of the bands of the Nishga people?

Mr. CALDER: No, sir; although we did have our own meetings, in which we discussed the case; and we watched very carefully what took place at Kitimat, when the Kitimat group moved into Kitimat and up to Tweedsmuir park.

We had several meetings in the Nass river, in which we made up our minds that we would watch the proceedings there, because we know of this management coming into the Nass. That is the reason we formed this committee in 1895 known as the Nishga tribal council, to watch the proceedings of this management licence. We wanted to protect our interests. When they moved in, then we started to protest.

Mr. MCQUILLAN: Is it not so that this management licence was granted before Kitimat ever came into being?

Mr. CALDER: Yes, it was; it was one of the first licences.

Mr. SMALL: I want to ask a question on that, Mr. Chairman. Mr. Jones, could you tell us whether the Indian affairs department launched a protest, or made inquiry into the company taking this land over?

Colonel H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): I have no recollection. I am sure there was no official protest launched.

Mr. HOWARD: Mr. Chairman, I just wondered whether Mr. Calder knows if there has been any anthropological study about the Nishga people.

The witness gave some indication of the time they have been there, the population in the past, and so on. Mr. Calder, you say you have been there for ever; but I just wondered if, as far as you know, there has been any anthropologist who has gone into it, such as they did with the Kitwancool people.

Mr. CALDER: Yes, quite a number of anthropologists have visited the Nass river. The Nass river, as you know, is in the area in which they claim the totem pole was invented, you might say. We are in the totemic area; and naturally the anthropologists were most interested in the study.

We have had such well known figures as Dr. Bowes—our own Dr. Bowes—Dr. Sanford, and several other. We are interested very much in the question of anthropology, because we believe those people would have first-hand knowledge as to our occupation in that area. I am firmly convinced that in all future investigations on the Indians claims there should be anthropologists close at hand.

Mr. SMALL: I would like to ask you this question: are there very many farms, or how much land is under cultivation in the area?

Mr. CALDER: There is very little cultivation. We participate mainly in the fishing industry; and when markets are good, then we also participate in our trapping activities. Now, when the logging industry is within our area, some of our boys are taking part in that. But there is very little cultivation, although, again, with the opening up of the Nass valley some of our people are eyeing the possibility of farming—and others.

Mr. HOWARD: There would be relatively little arable land: it is a mountainous region, and heavily timbered with spruce and hemlock?

Mr. CALDER: Yes.

Mr. HOWARD: So the arable land would be very little?

Senator HORNER: There would probably be small gardening?

Mr. CALDER: Yes, definitely. Practically all the families are limited to that.

The VICE-CHAIRMAN: Are there any other questions, gentlemen?

Mr. SMALL: Do you do most of your fishing inside the tribal areas, or do you have to go outside?

Mr. CALDER: We abide by the areas set forth by the fisheries department, except for home consumption. We are able to obtain our fish in the main river—in certain streams and tributaries of the Nass river.

Mr. McQUILLAN: Mr. Calder, your people fish all over the B.C. coast?

Mr. CALDER: Oh, yes. With the condition of the fisheries today, we have to follow the fish.

Mr. McQUILLAN: The same thing has always applied, since fishing has been a commercial industry. The fishermen from the southern part of the coast also come up toward your area to fish: there never has been any set tribal boundaries as regards fishing?

Mr. CALDER: No. In our participation in the fishing industry, we abide by the rules and regulations set forth by the fisheries department; but for our own tribal use, or home consumption, we have our own—

Mr. McQUILLAN: I realize that; but you have no hesitation in going over to fish in the Queen Charlotte islands area, any more than they have to come and fish in your area.

Mr. CALDER: Only on a commercial basis today. In prior days each tribe recognized its own limits—in days gone by, sir. We had our own places for obtaining our fish.

Mr. McQUILLAN: That is not entirely true, because the Indians ranged up and down the coast, observing their privilege of fishing and living wherever they wanted to, so they did not recognize, among themselves, any district tribal boundaries.

Mr. CALDER: They recognized each other's. For instance, in the Nass river we have sections there which belong to the Tsimshian tribe, in the obtaining of oolachrans. They have their own section in Nass river.

Senator HORNER: Do your people keep cattle, to any extent?

Mr. CALDER: Not on the Nass river.

Senator HORNER: But you have certainly a plentiful supply of game, moose and deer?

Mr. CALDER: Yes.

Mr. SMALL: I see that he set out the boundaries or perimeter of the Indian reserve, as the tribal lands. When were those boundaries set? How far back were those boundaries set?

Mr. CALDER: As far as we know, from time immemorial that has been the Nishga possession.

Mr. SMALL: It was represented here, at one time, that the Indians at no time took up the matter of setting boundaries to their land and they thought it was just common property, and it was never even given thought; so that in a certain reserve there was no difference between the Indians. If they wanted to cultivate the property they just took it off another tribe, if they were strong enough, and tribal boundaries did not enter into the picture. If they got jealous they just went in and took it by combat, if they were able, and the idea of having boundaries never entered into their mind. That is why I was asking when the boundaries were set. This is a new concept being presented here today.

Mr. McQUILLAN: It puzzles me, about the boundaries. I would have thought that you would claim the whole Nass river basin, but you only claim a small part, approximately one-half of it.

Mr. CALDER: The whole Nass river basin is within the area.

Mr. McQUILLAN: Not according to your map.

Mr. CALDER: The main body of the river, and all the tributaries that flow in.

Mr. McQUILLAN: The lower part, but only about half the drainage basin, or less, is within the area.

Mr. HOWARD: It seems to me a great portion of it is.

Senator HORNER: At the present time have you within this territory you are now claiming special reserves set out?

Mr. CALDER: Yes, we have, sir. I will also submit the reserve map for that.

The VICE-CHAIRMAN: Would you identify that?

Mr. CALDER: This is the map that shows all the recognized reserves within the area.

Senator HORNER: That is the area you were talking about?

Mr. CALDER: Yes, and I have outlined the area.

The VICE-CHAIRMAN: That is the area you gave us the previous map of?

Mr. CALDER: Yes.

The VICE-CHAIRMAN: This is the area marked in red?

Mr. CALDER: Yes, that is outlined in that map.

The VICE-CHAIRMAN: This is the number of tribes.

Mr. SMALL: How many reservations do you say were on it?

Mr. CALDER: There are the reserves on it. That is the reserves outlined by the royal commission of, I believe, 1913.

Senator HORNER: They are marked in black?

Mr. CALDER: Yes, that is the Indian department's official map.

The VICE-CHAIRMAN: The area as outlined in red, Senator Horner, is the same as that outlined on the previous map, which was tabled.

Senator HORNER: Oh yes, I see.

The VICE-CHAIRMAN: Are there any further questions, gentlemen?

Mr. THOMAS: I move we adjourn.

The VICE-CHAIRMAN: No, we have another group that are waiting to be heard, Mr. Thomas. So, if you are through the questioning with the Nishga group, unless they have anything further to add to what they have said, we shall call the other group.

Mr. SMALL: They have established their main project, and that is that they want some action or some assistance to determine just what their rights are, and identified as such.

The VICE-CHAIRMAN: As I said earlier, this matter was discussed pretty thoroughly in the committee at the last session. I hope the delegates will not think we are trying to rush them, but because it was discussed last session that would certainly not make as many questions necessary at this time.

Mr. CALDER: I would just like to state we are most interested in the committee's work in finding a way by which we can solve this question.

I believe, when the case came up earlier in this century, in the twenties, the government used the order-in-council. That apparently did not carry weight. I believe that in the United States they set up a special act by which they could find a way of solving the question. We are hopeful that this committee will find a way by which we can meet the B.C. matter in court—if this has to go to court. They have refused a reference, and they stated that definitely we have not a case, and they did not wish to see us anywhere, in court or otherwise.

Senator HORNER: If I may say so, Mr. Chairman, they have not delayed us with a very long brief, but a very concise one, and they have put forward their case very ably. We have it here, to refer to in the future.

The VICE-CHAIRMAN: On behalf of the committee, Mr. Calder and Mr. Robinson, we thank you for your brief, and I am sure I can say for the committee that it will be given every possible consideration.

Mr. CALDER: Thank you, sir.

The CHAIRMAN: Gentlemen, if you will come to order, please: We have with us the delegates from the aboriginal native rights regional committee of the interior tribes of British Columbia, Mr. George Manuel, Mr. William Walkem and Mrs. Genevieve Mussell.

Ladies and gentlemen, Mr. Howard has asked for the opportunity to introduce this delegation, and I will let Mr. Howard do that at this moment.

Mr. HOWARD: Thank you very much, Mr. Chairman.

The members of the committee will recall that when we were meeting, last session, representatives of the native brotherhood of British Columbia were here. The committee that is before us at the moment differs from the native brotherhood of B.C. in that this organization, the interior tribes, embraces the area within the interior, whereas the native brotherhood of B.C. primarily embraces those Indian people who live along the coastal area and whose prime occupation is fishing.

This committee was formed approximately one year ago. It has as representatives Mr. George Manuel from Chase, B.C., who is the organizer and developed the organization itself; Mr. William Walkem, from Spences Bridge, B.C.; and Mrs. Genevieve Mussell, who is an elected chief counsellor of the Skwah band, near Chilliwack, and who is also vice-chairman of the committee.

There is a supplementary brief, or addendum to the main brief, and on the last three pages of that you will find set out the names of the agencies in British Columbia and the bands within those agencies, with an asterisk alongside the name of each band which this delegation represents. I have not added up the total number of people or bands they do represent, but a perusal of that list, which also will appear in the record later, will enable you to determine the number of bands and people this delegation represents. Thank you.

The VICE-CHAIRMAN: Thank you, Mr. Howard.

Just before you proceed, Mr. Walkem—I understand you are spokesman for the group?

Mrs. GENEVIEVE MUSSELL (*Vice-Chairman, the aboriginal native rights regional committee of the interior tribes of British Columbia*): No; Mr. MANUEL.

The VICE-CHAIRMAN: Mr. Manuel. Before you proceed, I would like to say the brief is rather a long one, and the supplement along with it, of which the members have copies now. If you wish—and I think it probably would be preferable—if it meets with your approval, we can take both the brief and the supplement as read, and have them appear on the record of the committee. Then you can deal with it in your own way, without reading the whole brief on to the record. It will be included in the record, without your reading the whole thing. If you would like to do it that way, I suggest it would save quite a bit of time. Is that agreeable to the committee?

Senator HORNER: The committee is agreeable, if the delegation is.

The VICE-CHAIRMAN: Is it agreeable to the delegates?

Mr. GEORGE MANUEL (*Organizer, the aboriginal native rights regional committee of the interior tribes of British Columbia*): We would like to read portions, Mr. Chairman.

The VICE-CHAIRMAN: We can put the whole brief on the record, and you can just discuss those parts of it you think are the most important.

Mr. MANUEL: Fine.

The VICE-CHAIRMAN: We can have the whole brief and supplement printed as read, in the record. The committee is in agreement to that? You are all in favour of that, are you?

Agreed to.

BRIEF PREPARED BY THE ABORIGINAL NATIVE RIGHTS REGIONAL COMMITTEE OF THE INTERIOR TRIBES OF BRITISH COLUMBIA

Preamble:

This committee began through a series of meetings held at the town of Hope in the Province of British Columbia, wherein various Indian delegates from the Central Interior of British Columbia and the Fraser Valley met to discuss problems relative to the Indians in their localities. A committee was appointed at the Hope meetings of the spokesmen (not necessarily chiefs) from the areas represented at these gatherings.

From there other spokesmen were invited to participate as members of the committee. Spokesmen from the New Westminster Agency (Fraser Valley and Hope) and the Lytton, Nicola, Kamloops, Okanagan and Williams Lake agencies were invited to act on the committee and members of the committee were assigned to collect evidence on various phases of this brief.

Meetings were held at Chilliwack, Chehalis, Lytton, Lillooet, Kamloops, Cranbrook, Penticton, Williams Lake and Stellaco and various matters were discussed in front of members of the area's bands attending these gatherings. The committee would like to emphasize that these are the views of the spokesmen of the areas in this brief, ratified by a majority of the Indians of the bands of their particular areas.

The committee would further like to emphasize that the Indians of the Interior of British Columbia have at no time considered any help they have received in the past or any extended help asked for in this brief to be a case of charity. We feel that any help we have received is part of the compensation for our aboriginal title, for the loss of our former type of living, and for the usurpation of our hunting, fishing and land rights.

Our whole approach to our problems is to improve the Indian's conditions so that they will enjoy a standard of living commensurate with the white

man's, and at the same time to fit the Indian into the present day industrial development of the province as a sought after segment of the working and social population of British Columbia.

At the same time we, as a primarily rural minded people would ask the government to respect our communal desires as Indians and to let us acculturate to the white civilization at a pace commensurate with our social development.

Much of our Indian background is still with us and we as a minority group would ask that this be respected. We feel that as a rural minded communal people, preferring life outside the larger metropolitan areas, in direct contrast to most white people who prefer the larger towns and cities of British Columbia, and gravitate towards them; that because of this characteristic we can be fitted into the industrial development of the interior of British Columbia as we have to a certain extent in the past. The Indians of the interior are on the increase with by far the larger population in the younger brackets; so that proper training of our young people will strengthen development of the interior of British Columbia.

Trachoma and tuberculosis are being brought more and more under control amongst the Indians with prenatal and postnatal care saving a great number of our children who formerly would never have reached adult status.

In the light of our increasing numbers we would ask that our reserve rights be respected and our hereditary and aboriginal rights be reviewed with a view to receiving our rightful aboriginal due as an awakening native minority group, who are becoming more and more willing and able to expand our labours for the good of our peoples and the Province of British Columbia.

Indian Land Question

1. *Non Treaty Lands:*

Since Interior representatives along with the Allied Indian Tribes presented evidence before a joint parliamentary and Senate committee in 1926 and 1927, there has been very little evidence forthcoming from the Interior Indian Tribes of British Columbia at later Parliamentary committees.

The Indians of the Interior still feel strongly about the Indian land question in British Columbia, both as to the allocation of land to the reserves by the Provincial and Dominion governments, and as to compensation for British Columbia lands which they consider are not as yet constitutionally surrendered with commensurate compensation to their peoples.

Problems associated with land, the extinguishment of aboriginal title, the reversionary interests of the Province, and the granting of compensation have all hampered the relationship of the Indians with the Indian Affairs Branch and various Provincial and Dominion Government departments, creating a resentment and friction which has existed from the time the spokesmen of the Indian peoples of the Interior of British Columbia became conscious of their legal rights in a society having customs, rules and laws vastly different from their hereditary surroundings.

Apart from individual incidents, Indian communities in the Interior of British Columbia were never involved in violent conflict with the whites, and the only surrendered or treaty lands in British Columbia are located on Vancouver Island on the Coast. This committee takes exception with the Parliamentary and Senate committee appointed to review the claims of the Allied Tribes in British Columbia, in that the 1926-1927 body came to the conclusion that because Tzouhalem, a chief of a band of Cowichan Indians, and Chief Tsilatchach of the Songhees were reprimanded for killing animals belonging

to the white people at Fort Victoria, and sued for peace, that the Indians of British Columbia were defeated by conquest, thus giving up any rights for compensation by expropriation that Britain has awarded to aboriginal peoples for territory peacefully settled. We cite the Nigerian example where compensation has been awarded by the Privy Council to aboriginals after continual defeat in the courts of their claims on land title. We contend that an isolated skirmish at Victoria has no bearing on the claims of our people for compensation in that the Indians of British Columbia were defeated by conquest.

The gist of the claims is as follows: That the various nations or tribes have aboriginal title to certain territories within the province, which, to perfect the Crown title in the right of the province, should be extinguished by treaty providing for compensation for such extinguishment. The special mark of a treaty with Indians is the payment of annuity. This has been absent in British Columbia with the exception of the \$100,000.00 per year British Columbia Special Vote.

This brief could go into greater detail as to the arguments pertaining to aboriginal title, with many letters and statutes quoted. Some of these pertinent to the argument include the proclamation of King George III, Article 13 of the Terms of the Union between British Columbia and the Dominion of Canada, Section 109 of the British North America Act, applicable to British Columbia, and Orders-in-Councils including Privy Council Order Numbers 751, 1081 and annex thereto.

Many letters from Imperial governmental personages, governors-general and representatives of His or Her Majesty's government dealing with the question of aboriginal title were presented to the 1926-27 Senate and Parliamentary committee together with letters and memorandums from representatives of the Indian Affairs Branch, the Government of Canada, and the Province of British Columbia. These are all included in *Hansard*, in claims of the Allied Indian Tribes. This brief does not purport to analyse these Orders-in-Council and letters because of lack of space.

We may state that the Interior Indians, through their spokesmen, heartily concur with the Allied Indian Tribes evidence as to aboriginal title and evidence pertinent to the allocation of Interior reserve lands laid before the committee at that time.

As before, we feel the only place to settle such an important issue is before a judicial committee of the Privy Council, and in lieu of such judgment a reappraisal of the settlement given to Interior Indians in the form of, amongst other things, grazing lands, increased housing facilities, educational help, trapping and fishing privileges, medical subsidies, revolving loan fund increases, an increase in the British Columbia Special Vote, and a revision of the Indian Act to include more self government.

Basic to our argument on aboriginal title is the Proclamation of King George III. We submit in this brief for your perusal, however, the two letters pertaining to the first Lieutenant-Governor of British Columbia, Governor Douglas, in relation to aboriginal title. These letters are known to the spokesmen of the Interior, and through them, the Indians of their areas, are familiar with their intent. We submit these in this brief for your study and would humbly ask that a review of the claims of the Allied Indian Tribes to the Special Joint Committee of 1926-27 be perused by your august body in order to view the aboriginal title claim in the proper context. We have access to this evidence in book form.

The first is Despatch Number 24, dated March 25, 1861, Victoria, from Governor Douglas of British Columbia to the Secretary of State for the Colonies.

"My Lord Duke.—

I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth, the evils that may arise from the neglect of that very necessary precaution.

2. As the native population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full consent of the proprietary tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

3. Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase the native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of Government.

4. All the settled districts of the Colony, with the exception of Cowichan, Chemainus, and Barclay Sound, have been already bought from the Indians, at a cost in no case exceeding £2/10s. sterling for each family. As the land has, since then, increased in value, the expense would be relatively somewhat greater now, but I think that their claims might be satisfied with a payment of £3 to each family; so that taking the native population of those districts at 1,000 families, the sum of £3,000 would meet the whole charge.

5. It would be improper to conceal from your Grace the importance of carrying that vital measure into effect without delay.

6. I will not occupy your Grace's time by an attempt to investigate the opinion expressed by the House of Assembly, as to the liability of the Imperial Government for all expenses connected with the purchase of the claims of the aborigines to the public land, which simply amounts to this, that the expense would, in the first instance, be paid by the Imperial Government, and charged to the account of proceeds arising from the sales of public land. The land itself would, therefore, be ultimately made to bear the charge.

7. It is the practical question as to the means of raising the money that at this moment more seriously engages my attention. The Colony being already severely taxed for the support of its own government, could not afford to pay that additional sum; but the difficulty may be surmounted by means of an advance from the Imperial Government to the extent of £3,000, to be eventually repaid out of the Colonial Land Fund.

8. I would, in fact, strongly recommend that course to your Grace's attention, as specially calculated to extricate the Colony from existing difficulties, without putting the Mother Country to a serious expense; and I shall carefully attend to the repayment of the sum advanced, in full, as soon as the Land Fund recovers in some measure from the depression caused by the delay. Her Majesty's Government has experienced in effecting a final arrangement with the Hudson's Bay Company for the reconveyance of the Colony, as there is little doubt when our new system of finance comes fully into operation that the revenue will be fully adequate to the expenditure of the Colony.

I have, etc.

(Signed) James Douglas"

The reply, dated October 19, 1861, from the Secretary of State for the Colonies to Governor Douglas, reads as follows:

"Sir.—I have had under my consideration your despatch No. 24, of the 25th of March last, transmitting an Address from the House of Assembly of Vancouver Island, in which they pray for the assistance of Her Majesty's Government in extinguishing the Indian Title to the public lands in the Colony, and set forth the evils that may result from a neglect of this precaution.

I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature must not entertain any expectation that the British taxpayer will be burdened to supply the funds or British credit pledged for the purpose. I would earnestly recommend therefore to the House of Assembly, that they should enable you to procure the requisite means, but if they should not think it proper to do so, Her Majesty's Government cannot undertake to supply the money requisite for an object which, while it is essential to the interests of the people of Vancouver Island, is at the same time purely Colonial in its character, and trifling in the charge that it would entail.

I have, etc.,

(Signed) Newcastle"

We would again like to emphasize that in presenting our requests for increased help from the Dominion Government, we are not asking for charity, but feel that we have a constitutional legal right for further compensation. Together with this, the expanding industrial and agricultural development of the Interior of British Columbia makes us realize more and more that if we do not receive the proper educational training, and in particular vocational educational training to supplement our seasonal communal working and living pattern, we will find our living standards becoming ever lower, and, rather than contributing to the growth of the Interior, we will become a burden to it.

2. Allocation of Land on Indian Reserves in the Interior:

The terms of Union wherein the Province of British Columbia entered Confederation in the year 1871 includes in Article 13 that the charge and trusteeship and management of the land reserved for the Indians use and benefit shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after union.

The article further states that any disagreement re the allocation of land from the Province to Dominion respecting the quantity of such lands had to be referred to the Secretary of State for the Colonies.

We do not know, or can find no record of any disagreement in respect to Indian Land, referred to the Secretary of the Colonies, yet there have been numerous records of dissatisfaction in respect to Indian lands, between the Provincial and Dominion governments, and in particular the reversionary right of Indian land to the Province when a band became extinct.

In relation to the allocation of Indian lands and reserves, we have continually felt that the various commissions and authorities have acted without consulting us properly. As far back as July 14th, 1874, the following petition is on record in the Indian Affairs Branch office:

"The petition of the undersigned, Chiefs of Douglas Portage, of Lower Fraser, and of the other tribes on the seashore of the mainland to Bute Inlet, humbly sheweth:

1. That your petitioners view with a great anxiety the standing question of the quantity of land to be reserved for the use of each Indian family.

2. That we are fully aware that the government of Canada has always taken good care of the Indians, and treated them liberally, allowing more than 100 acres per family; and we have been at a loss to understand the views of the local government of British Columbia, in curtailing our land so much as to leave in many instances but few acres of land per family.

3. Our hearts have been wounded by the arbitrary way the local government of British Columbia has dealt with us in locating and dividing our Reserves. Chamiel, ten miles below Hope, is allowed 488 acres of good land for the use of 20 families, at the rate of 24 acres per family; Popkum, 18 miles below Hope, is allowed 369 acres of good land for the use of four families, at the rate of 90 acres per family; Cheam, 20 miles below Hope, is allowed 375 acres of bad, dry and mountainous land for the use of 27 families, at the rate of 13 acres per family; Yuk-yuk-y-yoose on the Chilliwack River, with a population of seven families, is allowed 42 acres, five acres per family; Sumas (at the junction of the Sumas and Fraser Rivers), with a population of 17 families, is allowed 43 acres of meadow for their hay, and 32 acres of dry land; Keatsy, numbering more than 100 inhabitants, is allowed 108 acres of land. Langley and Hope have not yet got land secured to them, and white men are encroaching on them on all sides.

4. For many years we have been complaining of the land left us being too small. We have laid our complaints before the government officials nearer to us. They sent us to some others; so we had no redress up to the present, and we have felt like men trampled on, and are commencing to believe that the aim of the white men is to exterminate us as soon as they can, although we have been always quiet, obedient, kind and friendly to the whites.

5. Discouragement and depression have come upon our people. Many of them have given up the cultivation of land because our gardens have not been protected against the encroachments of the whites. Some of our best men have been deprived of the land they have broken and cultivated with long and hard labour, a white man enclosing it in his claim, and no compensation given. Some of our most enterprising men have lost a part of their cattle, because white men had taken the place where those cattle were grazing, and no other place was left but the thickly timbered land, where they die fast. Some of our people are now obliged to cut rushes along the bank of the river with their knives during the winter, to feed their cattle.

6. We are now obliged to clear heavy timbered land, all prairies having been taken from us by white men. We see our white neighbours cultivate wheat, peas, etc. and raise large stocks of cattle on our pasture lands, and we are giving them our money to buy the flour manufactured from the wheat they have grown on the same prairies.

7. We are not a lazy and roaming-about people, as we used to be. We have worked hard and a long time to spare money to buy agricultural implements, cattle, horses, etc., as nobody has given us assistance. We could point out many of our people who have those past years bought with their own money ploughs, harrows, yokes of oxen and horses; and now, with your kind assistance, we have a bright hope to enter into the path of civilization.

8. We consider that eighty acres per family is absolutely necessary for our support, and for the future welfare of our children. We declare that 20 or 30 acres of land per family will not give satisfaction, but will create ill feelings, irritation among our people, and we cannot say what will be the consequence.

9. That, in case you cannot obtain from the local government, the object of our petition, we humbly pray that this, our petition, be forwarded to the Secretary of State for the provinces, at Ottawa.

Therefore, your petitioners humbly pray that you may take this our petition into consideration, and see that justice be done us, and allow each family the quantity of land we ask for.

And your petitioners, as in duty bound, will ever pray.

That is signed by a number of Chiefs of Douglas Portage, Lower Fraser and Coast Indians."

An awakening of the Coast Indians in British Columbia to allocation of reserves resulted in numerous petitions as to their rights. However, in 1913 a Royal Commission composed of Dominion and Provincial representatives evolved because of the 1912 McKenna-McBride agreement, wherein Indian lands were allocated in British Columbia. Orders-in-Council in 1913 and 1914 definitely stated that the claims of the Indians to the lands of the province would be satisfied in court if the Indians agreed to a complete settlement of questions regarding the extent of their reserves. The Indians of British Columbia, and in particular the Indians of the Interior, have never ratified the findings of this Commission, and take exception to the allocation of reserve lands.

We submit for your perusal a letter by Mr. James Tait, an individual fully familiar with the reserve lands of the Interior and their allocation. This gentleman had been sent to British Columbia by the Smithsonian Institute as an anthropologist to study the pre-white history of our peoples, and is considered by most persons to be an authority on the Indians of the Interior of British Columbia. This excerpt is contained in the 1926-27 Commission report.

"The Indians see nothing of real value for them in the work of the Royal Commission. Their crying needs have not been met. The Commissioners did not fix up their hunting rights, fishing rights, water rights, and land rights, nor did they deal with the matter of reserves in a satisfactory manner. Their dealing with reserves has been a kind of manipulation to suit the whites, and not the Indians. All they have done is to recommend that about 47,000 acres of generally speaking good lands, be taken from the Indians, and about 80,000 acres of generally speaking poor lands, be given in their place. A lot of the land recommended to be taken from the reserves has been coveted by whites for a number of years. Most of the 80,000 acres additional lands is to be provided by the Province, but it seems that the Indians are really paying for these lands. Fifty per cent of the value of the 47,000 acres to be taken from the Indians is to go to the Province, and it seems this amount, will come to more than the value of the land the Province is to give the Indians. The Province loses nothing, the Dominion loses nothing, and the Indians are the losers. They get fifty per cent and lose fifty per cent on the 47,000 acres, but, as the 47,000 acres is much more valuable land than the 80,000, they are actually losers by the work of the Commission."

Bill 13 is to empower the Government of Canada to adopt the findings of the Royal Commission as a final adjustment of all lands to be reserved for the Indians. The McKenna-McBride Agreement, the Order-in-Council, the findings of the Royal Commission, and Bill 13, are all parts of a whole. The Order-in-Council states that the Indians shall accept the findings of the Royal Commission as approved by the Governments of the Dominion and the Province as a full allotment of reserve lands, and further, that the Province, by granting said reserves as approved, shall be held to have satisfied all claims of the

Indians against the Province. What chances will there be for the Indians in the future to get additional lands or a fair adjustment of all their rights, if Bill 13 is made law?"

In the light of our present day experience we find that in many areas the Interior reserve lands are inadequate, in particular as to grazing lands. As stock raising seems to suit our peoples more than farming, this is a pressing matter to a number of our bands in the Interior. We would ask that consideration be given to our requests for reviewing the allocation of reserve lands as we feel we had the first legal title. We have never had a sustained legal examination of the nature of the Crown's rights in relation to traditional practice, easement by custom, and historical development. Nor have we had a study of the rights of Indians individually and organizations along the lines of other aboriginal peoples such as the Nigerians or the Maoris of New Zealand. We believe that such a perusal would produce a new reasoning along judicial lines.

We feel we have never had an opportunity, as an awakened people, to contest the findings of the 1912-13 Commission findings on allocation of land, and we further maintain that we have at no time in the past ratified the allocation of boundaries on the Interior reserves as including all the land that we are entitled to.

Agriculture:

William H. Walkem, son of Chief Walkem of Spences Bridge, was appointed by the meeting at Hope as a member of the Committee. He had been asked to prepare a brief on the Nicola and Lytton agencies as to the Indian's needs and views regarding agriculture in this area, and it is herewith submitted verbatim.

"The Indian people of the interior of British Columbia, in the area of Hope to Lillooet, and from Lytton to Merritt, live on small areas of ground, which they try to farm. These small farms vary in size from an acre or two to the more fortunate ones who are able to farm 50 acres.

Most of these Indians are poor, and it seems to be a natural instinct for them to farm, as it is the only occupation they know.

On these small plots of ground a garden is found, and a few old fruit trees remain, a reminder of the earlier days when the crops were sold locally. As of to-day, fruit and vegetables are imported, and are put on the market at a much cheaper cost.

There are very few persons who own farms of 50 acres. These more fortunate ones go in for stock, or cattle raising, and are able to raise between 100 head of cattle to 200 head. However, most of the Indians through the Nicola Valley farm five to twenty acres, and raise from 10 head of cattle to 40 head.

Stock raising starts at Lytton, where the Indians grow alfalfa hay on small acreages, and raise a few head of cattle. Not many Indians in this area seem to be interested in stock raising as their farms are small, and returns from sale of cattle are not very large.

The Indians who live on the area between the Fraser and the Thompson Rivers are fortunate in having a good range on the Botanie Reserve. Those who live below Lytton and also on the west side of the Fraser, have no range for their stock and go in for mixed farming on a small scale.

The Indians of the Nicola Valley from Spences Bridge to Merritt live entirely on the raising of cattle. These areas include:

At Spences Bridge they raise 500 head of cattle, but the range is negligible, and they have to lease grazing lands from the province. On areas where the cattle range there are small Indian Reserve lands, suitable only for grazing, and these small areas are mingled with leased lands so some reduction is given on range fees charged.

The Shackon Indian Reserve has quite a large area, and do not pay grazing fees.

The Canford Reserve has all small farms, and do not raise many cattle, but they do have to pay grazing fees.

The Shulus Reservation raises 500 head of cattle. They have not the grazing range on their reserve, but they do graze their stock on "Open Range" with the Nicola Stock Farm, a large cattle raising outfit. If this stock farm does decide to fence this area, the Indians would have no range for their cattle.

The Coldwater Indians raise 200 head of cattle, and they have to pay grazing fees to the provincial government.

Stock raising is the main livelihood of the Indians living in the Nicola Valley. In years past when the explorers came into the country, the horse had already found its place with the life of the Indian. Simon Fraser, when exploring the Fraser, ran into a tribe of Indians in the Caribou who had horses.

The horse came from the south and found its way into British Columbia through the Okanagan Valley. These horses had grazed the open ranges long before the province of British Columbia was formed.

Many of the best and biggest cattle empires of the interior of the province are owned by multi-millionaires who buy these large holdings as a hobby.

When British Columbia joined Confederation the allotting and forming of Indian Reservations came into being. This was not fair for the Indians, as most of these reservations were surveyed and mapped out without consultations with the Indians.

Settlement was never reached as to Indian rights for grazing, nor as to ownership of lands.

The life of the Indian was always carefree and their main food was fish. With the loss of the fish as a main source of food supply, due to the Hell's Gate blockade in 1913, the Indian turned more to agriculture for a living. About this time the McKenna-McBride Commission was formed, which took away much valuable Indian land.

With the end of World War I, and the price of beef being very high, more big combines of cattle ranchers moved in and took all available grazing areas. Lands that were previously used by the Indians, but not recorded as reservations, were not molested because these lands were adjacent to them and respected as a whole as belonging to the Indians.

In 1946 the provincial government made the Indians pay for use of these ranges although the Indians had used these lands since the early 1800's for their horses.

Although the Indian was the first settler, the records for water rights always places him as having last rights.

The Cornwall Reserve above Ashcroft is a good example of this. And another Indian Reserve that is going dry is the one at Basque. The latter has no water for irrigation purposes, and not so long ago it was a prosperous reserve.

We should be granted more areas for our reservations. We have never had conflicts with the early settlers, and yet our Indian neighbours in the U.S.A. who had wars with the early settlers have large areas as reservations, and some of them cover vast areas of certain states. (Washington, Arizona, Montana, Oklahoma and the Dakotas).

Timber is a very important commodity on our reservations. A lot of our natives take up the logging industry as their main source of living. Most of these Indians have to work outside of the reservations as our timber areas have been logged off, and are depleted of timber.

There are only two good timber limits on our Indian Reserves in the Interior: Douglas Lake and Lytton. The Federal government should try to acquire

more timber limits for the Indians. If they cannot make these additions to our reservations, they should acquire these limits by competing with private enterprises, so as to give Indians a chance to obtain work and be more independent. If and when they do acquire timber limits, the Indians should handle the entire logging of these areas."

The Williams Lake Agency also have grazing fee problems. Their country is still in a semi-primitive state, and not too many white men have usurped all their hereditary grazing area alongside their reserves.

However they can foresee a time in the near future when other large holdings adjacent to their reserves will file on all unoccupied crown grazing pasture presently used by themselves. It seems that the Indians with their small numbers of cattle cannot pay the grazing fees asked for by the Forestry Department of the Provincial government, and in this respect, the Lillooet Indians have been forced to confine their activities to the extent of owning only a few head of cattle per family because of a restriction in grazing privileges.

Just as it has developed in the Lillooet area so it would seem to be developing in the Williams Lake Agency as more and more people move into this particular part of the country. This committee would request that the Federal government approach the Provincial agreement with a view to setting aside lands used by the Indians for their cattle without the further burden of paying grazing fees.

Irrigation on Indians lands is another pertinent problem in the Williams Lake Agency. In this respect there is quite a large area of land on some of the reserves in the Williams Lake area without benefit of water. Some attempts have been made to develop irrigation flumes, but most have only been partially successful, with a very incomplete system of irrigation resulting in the end.

The representatives from Williams Lake maintain that in many cases the Indian department is just wasting money by improper planning of irrigation systems, and the present manner of patchwork development in respect to irrigation. They maintain that contractors hired by the Indian department, with Indians doing the work under the supervision of such contractors, would result in a much better type of irrigation development, and a definite finality in respect to the finishing of such enterprise. They also maintain that the Indian department's paid Supervisors do not have sufficient experience or ability to do a proper job in the way of planning or construction of irrigation projects.

The Kamloops-Shuswap area submits this sub-brief for their districts:

"In the Kamloops-Shuswap Agency there are many acres of land which could be exploited for agricultural purposes. However, up to the present time, none, or very little, of this land has been used by the Indians for agriculture. The trend has been to lease the cultivatable and irrigatable land to Oriental farmers for vegetable growing purposes, and to lease the rangeland to ranchers of the area for grazing of livestock.

There are also many acres of land which cannot be classified as potential for agriculture, but this land in the Shuswap area particularly, is to a great extent situated along lake frontage, and is in great demand by the touring public. Auto courts and other economically sound tourist attractions are as yet non-existent among these people. At the present time such a business is being successfully operated by white men on rented Indian land at Squilax.

These practices are highly unsatisfactory and unprofitable for these people, and at the same time they do not possess sufficient funds to invest in an economic agricultural or other business enterprise which would directly utilize their land for their own benefits.

Since Kamloops is located in the heart of the ranching area of British Columbia, and is a great tourist attraction, we submit that there should be sufficient funds made available to these people so that they could embark

upon ranching and other business enterprises which would best fulfill the available potentials of their land. We feel that ranches, tourist attractions, stores, etc. to this extent at least, would be highly satisfactory, and would contribute much toward a more stable economy for these people. The Hawthorn report recommends that more types of credit should be made available. Long term credit is needed for two fields particularly: housing and local commercial or industrial enterprises."

This sub brief has been prepared by Leonard Marchand, Bachelor of Science in Agriculture, and a member of the Vernon Indian Reserve. A meeting at Kamloops ratified this particular sub brief.

Reserves:

The British Columbia Interior Indians who submit this brief affirm that we wish to keep our chiefs and councillors, our lands and our hereditary privileges of hunting, trapping, and fishing, also our water and grazing rights. That is, as a group, we wish to live as Indians with our separate identity, and our traditional way of life. But we are eager to co-operate with other people of Canada where our mutual interests naturally merge. We believe that this statement, coming from us directly, will clear away any misunderstanding that may exist.

Nearly all of our Indian villages and settlements in the interior of British Columbia are the ancient living places, fishing, trapping or hunting grounds of our fore-fathers. Poor as they may appear to be others, they are rich in memories and traditions for us. We wish to leave them to our children as we received them from our parents. We will not willingly surrender them. We should not be required to surrender them or the privileges attached to them.

A very common item observed by the Indians is the matter of enfranchisement, where the Indians become enfranchised, and then come back to live on the reserves time and time again, showing that they would rather live with their peoples, or that they are not ready to compete alone as citizens in the non-Indian world.

The communal living pattern and the reserve system has helped to keep the Indian away from the larger metropolitan areas, and it is submitted that if reserve privileges were taken away from our peoples, we would still live together and be a burden on larger communities. The Seattle Indian ghetto, which consists mainly of Canadian Indians, is an example.

All minority groups, such as Chinese, Negroes and East Indians tend to congregate together in the largest city, and we most certainly would not want our reserves to be abolished, with all Indians flooding to Vancouver's skid road.

An excerpt from "The Maori, Yesterday and Today", an old edition, written around the year 1930 by James Cowan, shows the other side to a native people allowed to shift as best they can. Improvements in their conditions have been made since then.

"In a considerable measure, the drift to the unhealthy labour and moral conditions of town life can be stayed, so far as the South Auckland Majoris are concerned, by a re-adjustment of the position with regard to land occupations. It seems urgently necessary that the State should devote a larger area of suitable land in the Lower Waikato, Hauraki and other districts, to the purpose of settling landless families and 'hapus', and providing capital on loan for stocking and development purposes.

To sum up in a few words, the problem of a new life for the Maori can be solved by providing sufficient land and financing the stocking and development of that land."

There is no community planning on the reserves in the Interior, with government houses laid out in a hodgepodge manner. Water systems, electricity and indoor plumbing, are practically non-existent, and there are no recreational halls. Trees for shelter in the summer are usually not present on the reserves, and it is only because most Indians do not live at home in the summer in some parts of the Interior that disease is not more prevalent.

Community planning and layout, with recreational and gymnasium facilities in the form of large halls are needed on Interior reservations. In particular the children on isolated reserves are hampered in this way, and it is requested that gymnasiums be provided for them by the government.

Alcohol:

The biggest problem facing the Indian in British Columbia today is liquor. Although many choose to sidestep this unfortunate fact, it must be recognized.

Prohibition in both the non-Indian civilization and our own has never achieved anything. In the United States of America prohibition laid the corner stone for the greatest era of unlawfulness that has yet been seen in that country. Yet we, the Indians of British Columbia, are expected to be able to react to prohibition in a much more civilized manner than our non-Indian compatriots.

Until restrictions are lifted in respect to alcohol nothing concrete can be accomplished in Indian integration. An Indian who does well in business and attends a dinner as a guest of white men is immediately segregated because he cannot accept a social drink. This has happened many times.

Magistrates are kept busy throughout the Interior administering on Indian possession and intoxication charges. From the moment we are in our teens it is accepted that we should break the law. "We are taught to steal", one Indian Chief puts it, "because we have not the liquor privileges of the white man."

We recognize the fact that full liquor privileges will be a hardship to start with until the Indian becomes acclimatized to such a new concept, and we can only point out that across the border in the State of Washington, the Indian has full liquor privileges and has learned to handle alcohol.

The Hawthorn report on the Indians of British Columbia states that the possession clause in the Indian Act tends to make the Indian drink quickly with rapid intoxication resulting. Indians feel there is a smaller fine for intoxication than for possession, according to the report.

Indians sit in a beer parlour as long as they can, in a number of cases drinking to the point of saturation, because this is the only legal place they can imbibe. The liquor laws in respect to Indians are antiquated, and we petition this august committee to ask for deletion of Sections 93 to 96 of the Indian Act in relation to possession of alcoholic intoxicants.

When the Indians were admitted to beer parlours, a definite alarming increase in the number of arrests for drunkenness occurred, but as the Indians became accustomed to this right, the charges decreased considerably. The Hawthorn report states that there is no evidence Indians are psychologically more prone to drinking than whites.

We would ask that the Federal Government approach our Provincial Government in an effort to do away with the restrictive liquor laws in our province in respect to the 1956 amendment, if it is considered that Sections 93 to 96 of the Indian Act must stay.

We are told we must obey the Criminal Code, and that we are subject to all the laws of Canada. On the other hand we are discriminated against in this particular aspect with an added burden which to us seems useless and prejudiced. Is it any wonder that we disobey these rules which seem incomprehensible even to our white friends.

Ten per cent (10%) of the male inmates and forty per cent (40%) of the female inmates of Oakalla Prison Farm are Indians. Yet the penal authorities consider Indians to be model prisoners, docile, clean and receptive to discipline. Liquor is the basis for 90% of these crimes, with very few premeditated. Prohibition is not the answer.

Education:

The present policy followed by the Indian Affairs Branch in British Columbia is to have Indian children attend the white public schools. High schools for Indians alone are being discontinued, with the residential High School at Kamloops to be used as a hostel, and Indians sent to a white school close by. At Williams Lake and Mission the High School training for Indians in these institutions is also being discouraged.

It is our submission that residential schools will always be necessary for Indians for their underprivileged and illegitimate children. The Kamloops school has a record for training Indians in music and sports, which is a credit to the Interior.

In some Indian communities integration in non-Indian schools has met with a fair amount of success. On the coast at Comox and Courtenay, at Alert Bay and Campbell River, this program has produced results along the lines hoped for.

We are wondering, however, how successful a program of this nature will be in the Interior. Indians of the Interior in many localities travel with the seasons, taking their children with them, and it is a moot point as to the results of a too-rapid integration policy in the non-Indian schools.

It is our understanding that integration in non-Indian schools at Cranbrook has not been satisfactory, and we would ask that before such a program becomes universal, the teachers in non-Indian schools must be acquainted with the Indian mentality and culture, and that the social and cultural level of the homes from which the Indian children are recruited should be about the same as that of the non-Indians attending the same school.

There is along waiting list for residential school entrance, and the Indians of the Interior would ask that appropriations for these schools be increased, with more schools of this nature started. The residential schools at Lytton and Kamloops are badly overcrowded, with rundown facilities and poor accommodation. We ask these schools be improved and added to.

In respect to university education, we acknowledge with thanks the efforts made in this respect. We hope that many more Indians will seek higher education facilities in British Columbia. However, very few Indians attend university, with only three or four students in the whole university at present, and we would suggest more Indian scholarships, and exchange trips to other provinces for Indian students in order to increase enrolment of Indians in the University of British Columbia.

We would ask that someone, perhaps a member of the Indian Advisory Committee suggested, be appointed to travel to the various Interior reserves, and look up the young people who have dropped out of school, to find out some means whereby these youngsters can or will enrol again.

We would request that Indian School Boards be instituted in the Interior, and an overall Indian Parent-Teacher Association with branch groups be encouraged.

As Indian education is alien to a majority of teachers, we ask that higher salaries be paid to instructors in our Indian schools in order to attract the best teachers. We would further submit that on the remoter reserves in the Interior schools, accommodation be improved to attract the better calibre of teachers.

We reiterate that the seasonal migrations and occupations of the Indians of the Interior must be taken into account in respect to education. It is here that the residential schools could play a part, with special summer courses and classes arranged for Indians missing part of their year. At present, the residential schools lie dormant in the summer. A broken monthly system of class attendance should not be considered out of the ordinary for Indians, at least at present. In our opinion, one month or two of preparation classes would be in order in the summer.

The most important aspect of education, in our opinion, is vocational training. This means vocational training of a standard that will count as certification for apprenticeship in the various trades, or as actual time served in apprenticeship counting towards a union certification ticket. Whether this can be commenced at lower than high school level is not for us to say, we would emphasize that this vocational training is imperative for the Indians of British Columbia.

We would suggest that a building program for vocational institutions be started immediately in the Interior. Sending Indians to Vancouver or Nanaimo for this training is not satisfactory, we submit, as only a small percentage of Indians attend. Large vocational schools at Kamloops and Williams Lake would be the answer, so that natives are in the area of their home surroundings, and would not be tempted and absorbed by the criminal ways of the larger cities in British Columbia, which too often are the downfall of the Indian.

With the industrialization of the Interior, and the arrival of more and more immigrants, the old seasonal working pattern of the Indians is drawing to a close. Game and fish are becoming scarcer and scarcer, with many more restrictions imposed and enforced in this respect. We suggest that unless the Indian can supplement his seasonal income through a trade vocation, he will be hard put in the future to maintain even the standard of living that he now enjoys. The Fraser Valley natives are finding this is only too true.

A sub-brief from Chief Genevieve Mussell of the Chilliwack area is of interest in this last respect.

"We are quite concerned about the children who leave school before reaching an acceptable age to seek employment. Many of these, particularly the girls, are getting into trouble of different sorts, much of it serious and of a lasting nature. We would like to see vocational training arranged for these young people so that they may take on gainful employment, gain for themselves a status, which will, in turn, help them to rise above their present miserable conditions.

Experience has shown that the natives can become quite adept in logging, fishing, mechanical and other lines of work. The girls with training are good housekeepers and clerks. Most employers prefer experience when hiring help, but training is second best to experience when such cannot be obtained. The Federal government assists in the operation of vocational schools, and we would like to see our young men attempt the various types of training offered in these schools.

We would like to see our girls enrolled in business schools or given training in housekeeping. The latter might be given best by a widow with a large house, who could train perhaps six girls at a time over a three or six-month period on an acceptable program of home care, cooking and food purchasing, etc.

The big problem facing our young people is in not being able to provide a useful and acceptable service in the over-all community on equal terms with the whites, and we feel that through education and training they will be able to do just that, and in doing so will be encouraged to set a high standard of living for themselves."

Of particular interest are the complaints of the William Lake agency Indians, who live in isolated areas. They maintain that they earn their livelihood, in a great number of cases, far from their homes attending to their cattle in the meadows, with the Indian women hunting for food to feed their families.

With day schools on the reserves, the parents have only two alternatives. One is to take the children with them away from school, or the parents must stay on the reserve, where they cannot earn a living in most cases, in order to look after the children who are attending day schools. The Williams Lake area Indians ask for more residential school facilities as there is a long list of applicants.

Indian athletic training in the day schools is also requested, with an athletic supervisor at the larger Indian day schools, and training along this line for teachers of schools that are not large enough for a separate athletic teacher.

The Williams Lake area in particular requires recreational halls for gymnastics, basketball and other activities on their isolated reserves. The bleak winters find the children in many cases unoccupied.

Adult Education:

The Indians of the Interior of British Columbia are saddened by the fact that so many of our adults cannot even read or write. They cannot appreciate so many things because of lack of education, and we would ask that courses be started for one or two hours a day to educate to a certain extent, perhaps even through movies, etc. the adults of our reserves. This could include not only reading and writing but any type of education.

Housing:

We would ask the Indian Affairs Branch members in the Interior of British Columbia how many Indian houses in this area would pass a building or safety inspection under white man's municipal laws. Much overcrowding and abominable fire safeguards are the rule, rather than the exception in these dwellings.

In some cases the "relief shacks", as they are termed by non-Indian and Indian alike, have seen numerous inmates pass on with tuberculosis and other communicable diseases, yet the houses still stand. The Anahim Reserve has a hut of this nature that the Indians will not live in.

Housing is one of the largest contributing factors as to the health of the Indians, and very few proper water systems exist on the reserves in the interior.

We would ask that the present welfare system in respect to free housing be continued, particularly in the more isolated areas of the Interior, where money is scarce, but we also feel that a great number of Indians should be allowed to finance their own houses, as many want nothing to do with the welfare system.

It is impossible to receive a loan for housing from the revolving loan fund instituted for Indians in Canada. This committee suggests that an extended loan fund be divorced from the Industrial revolving fund and used for housing on the principle of little or no down payments, with monthly payments as low as \$20.00 or \$30.00. There should be a provision for "skip" payments, on ratification of the Indian Superintendent, in case of absolute necessity, with long term thirty or forty-year repayment clauses. We would ask that if a purchaser of a dwelling passes on, the beneficiaries of his estate have the option of continuing payments on the building, or having their equity in monies paid and distributed to them. Indians of the Interior have large families to maintain. They work seasonally, and we feel it would be an impossible obligation to meet on their part if the standard white man's payments on houses were asked for.

Administrative steps should be taken so that lumber is not left lying around for lengthy periods as in the past in respect to building, and certain Indians should be trained to build houses on reserves, and to supervise their construction as employees of the Indian Affairs Branch.

In this respect an advisory committee composed of Indians should be satisfied that the type of dwelling built has the right type of construction, with proper sanitation, window space, and room for family increases. Proper insulation, indoor plumbing and electricity are required for these houses, which are not available at present.

We point out the present feeling of Indians that houses on reserves are owned by the government, and are not theirs. We feel that newer houses with Indian monies and improvements placed in them will give the natives an equity that they can be proud of.

Federal Vote:

We, the spokesmen of this committee, acting for the majority of the Indians of the Interior of British Columbia, state that we would like to have the Federal vote. But we do not want the vote at the expense of losing any of our aboriginal rights.

If it is to be interpreted that we must pay taxes on work done on materials taken from our reserves, then we would sooner not have the vote. At the present time we can execute a "waiver" in order to vote federally, but we are subject to subsection TWO (2) of Section 86 of the Indian Act if we take this course.

Subsection TWO (2) of Section 86 states that subsection ONE (1) of Section 86 does not apply if an Indian chooses to sign a waiver, allowing him to vote federally.

This may not seem too important to the Coast Indians of British Columbia as their reserves are generally nothing more than an area for their villages. In the Interior, however, we generally have much larger tracts of land, and this section affects us more deeply.

If we are to have the Federal vote at the expense of losing any aboriginal rights, we flatly refuse. We admit the Provincial vote has not interfered with our aboriginal rights, and we welcome it. On the same basis we would ask for the Federal Vote.

Further to this we would appreciate a system of voting similar to the Maoris of New Zealand, where all the Indians of Canada would vote for an Indian or Indian representatives in Parliament. We would ask for the Federal Vote without any loss in respect to our aboriginal rights, and we would suggest that this system of voting would definitely give us direct representation in the Federal Parliament.

Health Services:

The 1946 Indian Affairs Committee resulted in Parliament voting millions of dollars for Indian Health services. However, perhaps because of weakness in the wording of the Indian Act, the Indian Affairs Branch and the Department of National Health and Welfare have chosen to establish rules in relation to health services that appear to us to be arbitrary and dictatorial and without our consent.

At a meeting of Indian delegates called by the Indian Affairs Branch at Vancouver April 15-18, Dr. W. S. Barclay, Regional Superintendent, Department of National Health and Welfare, stated that emergency surgery results in very little delay. As to treatment, in the case of elective surgery, those cases that cover situations where there is no immediate need, time is taken to assess the actual medical and surgical facts of the case, and to assess the ability of the parties concerned to pay for all, or at least part of the cost.

In recent years Indian Health Services have been stressing the necessity for Indians to pay for medical services. Indians in the Interior are not seeking the elective type of surgery and other health services in too many cases, because they often lack the funds, and such surgical treatments as goiters on necks, etc. are too often left for many years.

We understand that the rules as to residence, the six months' rule and the twelve months' regulation, are all regulations passed without our consent, together with the provision that Indians must pay at least part of their medical expenses.

We feel that any regulations of this nature are outside the Department's authority. If such regulations are to be passed, then we submit they should have ratification by Parliament, and be placed in the Indian Act. Again, as we have no representation in the Federal Parliament, we are at a disadvantage to contest such orders.

It is the consensus of opinion amongst numerous spokesmen of the Interior that proper medical treatment for Indians is not forthcoming because of the lower fees allowed to doctors for Indian work. Because of these lower fees Indians have not, in the opinion of their spokesmen, received the medical time and attention that is required.

In the last generation Indians were still very skeptical of a white doctor's treatment and, consequently, many injuries and ailments were not cared for. As a result of this, many Indians suffered in later life. The former common lament of the physician attending Indians was and is, "Why do the Indians come to me when it is too late?" Now, just when the Indians are recognizing the value of the white doctor's care, they are asked to contribute financially, and a consequent lack of attendance on doctors is a result. We submit that the Indians of the Interior are not yet ready to pay their own medical bills.

If one travels through the Interior of British Columbia, the extent of dental decay is appalling amongst the Indians, and with this in mind we ask for free dental care, rather than the present system of part payment by Indians.

Dentists hired by the Department of Health and Welfare, with travelling dental facilities, so that the different reserves would be covered, is the only answer in our opinion, and we feel that this question of dental treatment is paramount in our requests.

It is also asked by the Indians of the Interior supporting this brief, that there be some form of uniformity in respect to who should pay for medical expenses, and as to how much they should pay. That is, if it is decided the Indians should pay at all, which we contest. If the Indians must pay, then we ask that there be a right of appeal, and we suggest that an Indian Advisory Committee, similar to the one now existing under the B.C. Special Vote, sit with the Appeal Board in this respect. We also ask that Indians have the right to choose any doctor they wish in respect to medical treatment.

Social Welfare:

Indians pay the Provincial 5 per cent sales tax, the gasoline tax and other Provincial taxes. Indians cannot get assistance from the Provincial Welfare Department. In Ontario and Quebec, the Mother's Allowance, sometimes called the "Widow's Pension", is available to Indian widows.

A definite assistance policy is needed for widows of Indians, and it is submitted that this matter should not be left up to band funds. Whether the Provincial or the Federal government pays is something that will have to be worked out between them. There is a crying need at the present time that some definite dynamic policy be forthcoming in this respect.

We endorse the Hawthorn report, in that Indians should become part of the agreement wherein the Federal government shares with the Province of British Columbia in regard to the cost of assistance of the cases exceeding .45 per cent of the total population in respect to the financing of welfare for the indigent on monthly relief aid.

Indians in British Columbia move freely across the border, and many times there is difficulty in receiving family allowances. We ask that this be studied, and a solution established.

We would ask that some sort of contractual arrangement be made with the Province of British Columbia in respect to those welfare services that the Province gives to whites, excluding Indians, to a certain extent analogous to the arrangement made between the Department and the Provincial school authorities regarding Indian children. Some of the cost of this welfare to be shared by the Provincial government, and some by the Federal.

Our elderly people are another problem on our reserves, with many instances of neglect, due to the fact that they have no place to live. We ask that Old Age homes be established for them in the areas they come from, so that they will feel at home in their surroundings, and can visit and be visited by their friends and relatives. An Old Age Home for Indians in the Kamloops area should be in that area rather than down on the coast, or elsewhere.

Law Enforcement and the Courts:

For even the simplest intoxication charge Indians generally end up in jail as they have not the money to pay their fine. Bootleg liquor around the town costs as much as \$30.00 a bottle, and the fine on top of this leaves the Indian no alternative but to go to jail.

Indians in many cases cannot afford counsel, and in particular on appeals from conviction. Our legal advisers, however, inform us that 80 per cent of Indians defended are acquitted on criminal charges. Without counsel Indians are mainly inarticulate, and many grave injustices occur. Magistrates do not generally treat us as the white men are treated, and too often sentences are meted out to teach the Indian community a lesson for past misdeeds of inhabitants on their reserve, rather than on the merits of each case.

We resent indiscriminate patrolling of our reserves by police officers, and in some cases the Indians even go so far as to say they do not fix up their reserve routes in order to stop some of this use of reserve roads.

We ask that magistrates be instructed to consider more probation sentences on our behalf, and the prosecutor be not a police officer in court, but a lawyer.

Counsel for Indians is only paid for by the Indian Affairs Branch on a murder charge, and we would ask that this phase of defense costs be increased to include many of the other indictable offences.

We would further ask that provision in the Indian Act be made for more jurisdiction by the band council in relation to policing reserves and enforcing discipline. Indian police have been used successfully in the past by many bands, and we see no reason why this should not be made universal in the Interior of British Columbia.

Credit:

Even under the present credit restrictions, Indians in the Interior have proven they can manage business enterprises in a most successful way. One Indian in the Anahim district has a large ranch with a profitable general store at Alexis Creek. At Keremeos there is a highly satisfactory ranching enterprise conducted by one of the band members.

However, the present revolving fund with its various restrictions and limited amounts for borrowing capital, its five-year repayment clauses, and its demand for partial security, gives rise to the complaint by many Indians that the fund is revolving so fast that no one can catch it. We submit that the length for repayment be extended from five years, and that the amount be increased from \$1,000,000.00 to much more.

We ask that the present five-year repayment period be increased as a great number of our loans are in relation to stock raising. Generally the time required for returns on our money in respect to sale of cattle and repayment of loans takes longer than five years.

We further emphasize that a suggested Indian Advisory Committee have as one of their duties the review of applicants for the revolving fund, as quite a few of the Indians of the Interior who would make a success of a business with borrowed capital, do not approach a superintendent in this respect. An Indian Advisory Committee would encourage applicants best suited for business enterprise.

Estates:

We would ask that the question of Indian estates be thoroughly investigated. At present when an Indian dies without a will (intestate), the administration of his estate continues, in a great deal of cases, for an indefinite period.

For Interior Indians in the New Westminster Agency only 44 estates have been concluded out of 87 filed in 1950 and 1952. In the Okanagan Agency a similar condition exists.

We would ask that band councils, who are more familiar with the deceased's background, be given the power of review in respect to intestate estates, and to decide the principles of inheritance best suited for their community. Indian ideas of inheritance differ sharply from the white man's.

The clause in the Indian Act wherein the minister has the power to declare a will void if the terms of the will would impose hardship on those persons for whom the maker had a responsibility to provide for, should be deleted, as this discourages the Indian from making a will, since he sees no reason to do so. The terms will be decided by the Indian Affairs Branch anyway.

Indian Affairs Administration:

We take cognizance of the efforts made by personnel of the Indian Affairs Branch in British Columbia, and realize the superintendents are only enforcing the regulations and policy of the Branch and the pertinent sections of the Indian Act.

We would ask, however, that the Indian Superintendents be divorced from their administrative duties, and that their whole object and efforts be towards the education of the Indian in self-government and vocational training. It is our contention that the present administration is managerial rather than educational.

We ask that the Indian through his chiefs and councillors be relied on more in decision-making and executive responsibility. Contracts with outside parties and band funds transferred to local banks so that the band can use these with bonded secretaries, and many other matters should be handled by our councils without the stigma of a superintendent passing judgment on our morals and working ability.

We submit that it is only human to be prejudiced in certain matters, and that we too often are faced with this stigmatic approach from superintendents when the prejudice should not influence their decision at all.

There has always been a feeling amongst us that positions in the Indian Affairs Branch are awarded to ex-military personnel. We submit that this type of training is not the best for Indian Affairs work.

We ask that trained personnel in Indian Affairs management be given preference in the Indian Department, with specialized orientation courses on entry into the service, in Indian culture, mechanics, carpentry, surveying, law, book-keeping, farming, and other subjects relating to Indian Affairs work be introduced for Indian Affairs superintendents and their assistants.

Placement Service:

The Indians of the Interior find it very difficult to arrange for jobs for themselves, particularly for those who are qualified for skilled positions such as book-keeping, mechanics, etc. and we would request that placement offices be established in each area in the Interior in order to find jobs for us.

We feel the chiefs, their councils and the areas spokesmen could facilitate in advising these placement officers as to the capabilities of the Indians of their area, and these persons should be relied on in supplying references for job placement.

Self Government:

We welcome the step taken by the Indian Affairs Branch in that a committee of three, picked by the Indians of British Columbia, has been established as an advisory board in relation to the allocation of the \$100,000.00 British Columbia Special Vote.

This is a move in the right direction, and we would ask that a similar committee, or the same committee, be elected by the Indians to act as an advisory board to the Indian Affairs Branch in British Columbia on all matters pertaining to us. Regulations not included in the Indian Act such as the six months' clause, the eighteen months' clause, and the means test for medical help; integration in white schools for the various bands; the approval of band trust funds; awards under the revolving loan system, and housing necessities are only a few matters that the Indians of the Interior would feel happier about if they knew that their representatives voices would be heard in respect to the carrying out of departmental policy. Committee members should receive salaries.

We endorse the Native Brotherhood of British Columbia's brief on two matters, namely, the appointment of an Indian assistant to the Director of Indian Affairs Branch, and remuneration to chiefs and councillors for time spent in their office.

Many competent Indians are reluctant to become Chiefs or Councillors because of the time involved, and, in many cases the criticism they would be subject to. Band matters require a great deal of time, and many competent Indians work off the reserve and feel a position on a council would interfere with their jobs.

One mark of treaty Indians is remuneration to their chiefs in the form of clothing or salaries. In the Prairie Provinces and Ontario the chiefs receive a suit of clothing, and under treaty numbers Three (3) and Five (5) there is provision for an annual salary of \$25.00 per annum for chiefs, and for each subordinate \$15.00. Treaty number Eleven (11) is similar.

We endorse the resolution passed at the advisory meeting of Indian delegates held in Vancouver on April 15-18, 1959, under the auspices of the Indian Affairs Branch, in that chiefs and councillors should be paid from public funds. We submit they should be paid from the government funds used for civil servants' salaries.

Further to this we would ask that chiefs be awarded an honorarium of \$500.00 per annum, and councillors \$300.00 per annum. The Indians could then approach chiefs and councillors and demand that certain things be done as they are being paid for looking after their interests.

We ask that leadership be encouraged amongst our Indians, and that certain of our brighter young men and women be given special instruction along leadership lines. Indian youth in British Columbia is by far the most predominate amongst us, and to their leaders the future of the Indians must be entrusted. Training in book-keeping, sanitation, community planning, and welfare facilities are problems that few chiefs and councillors are totally aware of, and courses in matters such as these are of a necessity.

A Separate Indian Act:

The majority of Indians of British Columbia are entirely different in their government because of the fact that they have not received treaty monies.

In part payment of treaty money an annuity of \$100,000.00 in the form of the B.C. Special Vote has been awarded to them. A Commissioner is appointed to govern the British Columbia Indian Affairs Branch, rather than a regional supervisor as in other provinces.

We have one-fifth of all the Indians of Canada staying in British Columbia, and would ask that we be governed by a special Indian Act, or if this is not feasible, then we have a separate section of the Indian Act pertaining to us and our different political structure.

The older Indian Acts, such as the 1875 legislation, had provision for the different provinces in this respect in relation to certain of the Indian Act sections, and we see no reason why this could not be included in a new Indian Act, if a separate Indian Act is not considered to be feasible. We would rather have a separate Indian Act governing us, however.

As non-treaty Indians in British Columbia we contest the cut-off lands taken away from us by the McBride-McKenna agreement, and we feel a separate Indian Act pertinent to British Columbia's non-treaty problems would allow us to negotiate with our province for re-instatement in respect to grazing fees, cut-off lands, and timber allotments.

Further to this, a separate Indian Act would allow us, as non-treaty Indians, to approach our province and have sections allowed therein giving us a right, on agreement with the provincial legislature, to provincial social welfare, the use of the provincial electric power commission facilities, upkeep of roads by the Provincial Highways Department, and many other provincial advantages that our reserves require.

Separate Indian Department:

We ask for a separate Department divorced from the Department of Citizenship and Immigration, so that our problems be given more study than at present, with a stronger voice heard in the government by our trustees.

Liaison for the Interior Indians:

The Interior Indians of British Columbia have never been organized to any great extent as have the coast Indians of British Columbia under the Native Brotherhood. This organization does not, and has not, dealt with our problems.

The Native Brotherhood receives remuneration from the fishermen on the coast and, consequently, can afford a paid secretary-treasurer with an office in Vancouver. To a certain extent this organization acts as a liaison

with the non-Indian world, such as, the fishing companies, the unions, and the Indian Affairs Branch.

Throughout the Interior of British Columbia Indians have a need for a liaison with the Indian Affairs Branch, magistrates, the Provincial government, the non-Indian newspapers, the various utility commissions, municipal councils, the police, and various employers hiring Indians. Finding work for Indians, and convincing employers of Indian skills has to be done by Indian representatives also.

The Indians themselves have repeatedly stated that they need other Indians who understand them, and will listen to their problems, to approach the different authorities and organizations as a liaison.

However, the Indians of the Interior cannot afford to donate the amounts necessary for paid representatives to act as liaison for them. Further to this, Indians working for the Indian Department have been proven to be ineffectual in this respect, as they tend to be just so many more employees of the Department.

There is a crying need for a liaison as described. It is asked that the government pay an Interior Indian organization around \$10,000 a year for a trial period of two years at least, so that it may hire a secretary-organizer, or organizers, to travel throughout the Interior of British Columbia, independent from the Indian Affairs Branch, to act as liaison.

One of the great Indian organizers of Canada, Andrew Paull, accomplished a great deal for the Indians of British Columbia, without benefit of salary. However, the Indians of the Interior have not the monies to support an organization of this nature, and we feel that this one act by the Federal government could do more for the Indians of the Interior of British Columbia than any other measure.

A precedent for this in British Columbia exists in the organization known as the Federation of Fish and Game Clubs, where \$5,000 per annum is donated by the Provincial government, so that this group may have an office and hire a secretary-manager.

Fishing:

In olden Indian days it is related that a stone thrown in the Fraser River would never reach the bottom at certain times of the year, as the salmon were that numerous.

We regard the taking of salmon from the Fraser and Thompson River systems as an aboriginal right that should be enjoyed without any restrictions to the Interior Indian. Indians with their large families and seasonal occupations, find it absolutely necessary to supplement their larder with salmon. We did not pollute the water as did the white man, nor did we bring about the rock slide at Hell's Gate on the Fraser River which decreased the salmon run so enormously until recently.

Indians travel for miles in the Interior to the rivers for their hereditary salmon catch to tide them over the lean period in the winter. We ask that we be given unlimited rights in which to fish the Fraser and Thompson Rivers for this hereditary form of sustenance.

In placing nets in the Fraser River under aboriginal rights fishing permits they are often destroyed by logs without compensation to ourselves. This driving of logs down the Fraser is a fairly recent innovation, and we ask for proper restrictions in the Indian or Federal Fisheries Act in this respect, or some sort of automatic compensation.

In the Kamloops area at Salmon River on the Adams Lake reserve the local Federal Fisheries warden had the river closed to fishing by aboriginal means such as through the use of spears, gaffs, etc. Yet Indians on this same

river could catch salmon by this means for food purposes with a permit up to 1956. For many years the Indians used to camp by this river at certain times, catching fish for winter use to tide them over a period when jobs were not available because of their seasonal occupations and lack of other training.

In this respect British Columbia loses hundreds of thousands of salmon every year for various reasons, and as only eight or ten permits were asked for and allowed previous to 1956 on this river, the Indians of this area feel that this privilege is a hereditary right that should be theirs again.

Indian Act:

In reviewing the Indian Act as set out in the Revised Statutes of Canada 1875-77, our legal advisor informs us that there is not a great deal of difference in respect to the changes incorporated in the 1952 Revised Statutes of Canada. Section 63 of 1875-77 Statutes reads as follows:

The chiefs or chief of any band in council may frame, (subject to confirmation by the Governor-in-Council) rules and regulations for the following subjects, viz:

1. The care of the public health.
2. The observance of order and decorum at assemblies of the Indians in general council, or on other occasions.
3. The repression of intemperance and profligency.
4. The prevention of trespass by cattle.
5. The maintenance of roads, bridges, ditches and fences.
6. The construction and repair of schoolhouses, council houses and other Indian public buildings.
7. The establishment of pounds and the appointment of pound-keepers.
8. The locating of the land in their reserves, and the establishment of a register of such locations.

We would suggest that the preamble to Section 80 of the Revised Statutes of Canada 1952 is typical of the ambiguity in some sections of the Indian Act. It reads as follows:

"The Council of a band may make by-laws not inconsistent with this Act or with any regulations made by the Governor-in-Council or the Minister for any or all of the following purposes, namely:"

It is our submission that this arrives at the same intent signified by the 1875 Statute, yet places Section 80 in a most ambiguous classification. This is personified in many other sections throughout the Act.

We strongly press for an omission of Section 112. We also ask for deletion of Section 35 unless it can be clarified.

Section 87 states that all laws of a provincial nature are applicable to Indians except where such laws are inconsistent with the Indian Act. Again we would submit that this is most ambiguous and in one case in British Columbia, *A. GEOFFRIES VS. DAVID WILLIAMS*, registered in the County Court of Vancouver under Number A 723/58, His Honour Judge Sevencisky held that this particular section upset former precedent from the Court of Appeal in respect to garnishing money off a reserve that was to be paid directly for timber from a reserve.

We submit this section gives the Province rights over us, yet we do not receive many provincial privileges. If this is to be interpreted as we see it, then we obey all the laws pertaining to the province, but do not receive

welfare aid in many respects, nor fire protection, nor do we enjoy the advantages of such utilities as the B.C. Power Commission as a matter of right.

If the province is to have such powers, then we feel that an agreement should be entered into with provincial authorities, so that Indian reserves may be registered under the Municipal Act as municipalities, and receive the provincial benefits pursuant to such a move. We still would insist that we keep our aboriginal rights, however.

SECTION TWO (2) subsection ONE (1) parts e, g, and j, defines an Indian and a member of a band as a person and an elector also as a person. This last is in direct controversy to the 1927 RSC in that Indians in that Act were not considered to be persons. In this regard we see no reason as to why we should not become full citizens of Canada and quote the MERRIAM report in respect to problems of Indian administration instituted in the United States as a study similar to the Hawthorn report in British Columbia.

Although prior to the passage of this recent Act, citizenship was often associated with a property right ...a trust patent, or a fee patent ...legally there is no intrinsic relation between the two. Citizenship in fee or trust is a property right. The Supreme Court of the United States has held, moreover: 'Citizenship is not incompatible with tribal existence or continued guardianship, and so may be conferred without completely emancipating the Indians or placing them beyond the reach of Congressional regulations adopted for their protection.'

This decision clearly is in accordance with the law as it is applied to white citizens. Among whites the fact of citizenship does not preclude guardianship, nor does it give unlimited control over any property the title of which is vested in the citizen... The status of the restricted citizen Indian with respect to his property secured through the government is like that of a citizen child with respect to his, except that under existing law the Indian may be declared competent, and thereby given full control. It should be noted, moreover, that this restriction applied only to the property secured to the Indian by government action. It does not apply to property secured to the Indian himself by his own efforts. He ordinarily has complete control of his earnings and of any property purchased with his earnings.

We would ask that the term "residence" be delineated specifically in the Indian Act. Section 34 of the old Act specified as to residence. The new Act is not specific in this respect although section 28 (1) covers a certain aspect.

Sections 42 to 51 set out the inheritance qualifications in respect to property, and we would ask that as these are the same as white inheritance statutes, they should be changed with a view to Indian hereditary custom. Together with this we would ask that Indians be entitled to make their own wills without a review by the Minister or his servants. This right is awarded to any other person in Canada, whether he gives his property to his pet canary or his church.

Throughout the Indian Act the phrases "the Minister may", etc. are found. In particular the phrase "the Minister may, with the consent of the band" seems particularly infuriating to the Indians. We suggest that such phrases be changed to a working analogous to this, "The band or Council, subject to confirmation by the Minister," be instituted. This would give the Indian Affairs Branch a chance to veto, and would not make us feel we are the inferiors.

SUPPLEMENTARY BRIEF SUBMITTED BY THE
ABORIGINAL NATIVE RIGHTS REGIONAL
COMMITTEE OF THE INTERIOR TRIBES
OF BRITISH COLUMBIA

This committee has endeavoured, in its presentation and ratification, to cover the whole of the Interior of British Columbia, and has succeeded in its objective, excepting the Fort Saint John Agency, which has in its environs approximately six hundred (600) natives, and the Telegraph Creek area which totals in Indian population around three hundred (300) natives. Due to the isolated condition of these Indian territories, it has been impossible to have these natives ratify this brief.

This committee feels that a majority of the Indians of the Interior of British Columbia have ratified this brief, either through their chiefs and councillors or through their own personal appearances at the large meetings, wherein committee executives attended, or through attendance at local meetings where the spokesmen presented the brief.

The new Westminster Agency, the Lytton Agency, the Nicola Agency, the Kamloops Agency, the Lillooet area, the Okanagan Agency, the Kootenay Agency, the Stuart Lake Agency, the Williams Lake Agency and parts of the Babine Agency, have all been covered.

The Vernon, Oliver and Osoyoos reserves of the Okanagan Agency refused to vote one way or the other on the liquor section and on the Estate section, and three chiefs of this area together with part of their councils do not support this brief.

As to the changes requested in the Indian Act, this part of the brief has been discussed and ratified at only one general meeting, namely at Lytton, and in this particular aspect it had been felt by the committee that as the material seemed a little too complicated, the spokesmen would ratify this section. Consequently, a majority of the spokesmen of this committee have ratified this section at a meeting held at Lytton.

Agency Sub Briefs (Continued):

The Stuart Lake Agency Indians mainly engage in timber work and trapping for their livelihood. With the advent of the mills in this area and the influx of settlers, their trapping privileges are fast disappearing, and it is requested that timber in the form of Tree Farm Licences be given to them, with non-Indians brought in to teach them the management of such enterprises, under government financing through loans, until the Indians are capable of looking after such business ventures themselves.

The Wenner Gren project in the Stuart Lake Agency will flood a great number of native traplines and they ask for compensation in this respect from this corporation. They also request new trap line areas.

They would ask that they have the privilege of deciding as to whether they send their children to day school or to the Lejack Residential School, and, as many children are not going to school at all in this agency, because of the lack of day schools, they ask most definitely for an addition to the Lejack Residential School.

There seems to be a crying need for school and hospital accommodation in this agency, and they ask for an Indian hospital at Vanderhoof, with a separate doctor, as the hospital at this town is too small. A tuberculosis ward would be a definite necessity in this respect.

At a meeting held at Fort Saint James a road was urgently requested into Tache, 49 miles from Fort Saint James. The only access is by plane in the winter, or by boat, or teams of horses. There are approximately 400 Indians in this area and they are practically cut off in the winter.

A number of extremely disreputable shacks have sprung up because of the fact that the Indians in the aforementioned area, and at Portage, squat at the Catholic Church property at Fort Saint James because these natives cannot send their children to the Lejack Residential School. They have to come to Fort Saint James so that their children may attend day school there, and they ask for day school teachers. They ask that an area be set aside for a reserve for them, although the Fort Saint James Board of Trade opposes this. Landowners apparently are willing to sell them property in this respect.

The Indian village of Portage is 59 miles from Fort Saint James, with access only by boat and plane in the summer, and by plane in the winter when the ice is safe to land on. They wish to have two-way telephone supplied to them by the government because of their isolation.

As there is only one travelling nurse for this area and as it is such an extensive territory, they would ask for more travelling nurses in this country.

A survey of the Nation River reserve is requested, below the Nation River bridge, on the south bank, as the Indians have been told this is not a reserve.

They request financial assistance to start a trading post and supply centre at Tache, properly supervised, in order to overcome the high cost of bringing in air supplies. Such an enterprise has been started before, but due to lack of financing it has failed many times.

At a meeting held at Burns Lake, the Indians again requested a Tree Farm License in this territory as the mills shut down in this area in the winter, leaving them unemployment insurance for only a short time, with social assistance very inadequate after unemployment insurance benefits runs out.

The worst problem of all throughout the Stuart Lake and Babine agencies is social assistance, with the Indians having nothing to eat in many cases in the winter, because of the Indian Affairs Branch administrative interpretations of this form of relief.

The Kootenay Indians ask for a re-assessment of a lease by the Canadian Immigration Office at Newgate as they claim the lease has run out and they have not been approached for a renewal. This land is situated at Tobacco Plains Indian Reserve Number Two.

The Penticton Reserve Indians ask that houses built in their area be fully completed as the new houses lack insulation, wiring and inside toilet and water facilities. They ask for space in these houses in accordance with the size of each family.

The Penticton Indians ask for a residential school and a vocational school in the Okanagan Valley. They ask for deletion of section TWENTY (20) of the Indian Act to help their people because of the fact the natives have a very large reserve with band land not yet taken up by the younger peoples.

In respect to agriculture, water shortage is one of their main problems. As the Penticton reserve has thousands of acres, they request water storage reservoirs. What water rights they have are from creeks and ditches, that are insufficient for even the cultivated ground they now work.

As 20,000 acres have been cut off their reserve through the McBride-McKenna agreement, the Penticton Reserve asks for this area to be restored to them as an aboriginal right.

Fishing:

The Indians in the Delta area of the Fraser River request that they be given the right to use drift nets on this river as the recent accelerated floating of logs down this river destroys their set nets under aboriginal rights permits.

The Penticton Indians request that they be given back all their fishing rights regarding the taking of fish with nets on lakes. They request that fish ladders be placed at all dams.

It is in the Stuart Lake Agency that the rights of the Indians are being most interfered with by the Federal Fisheries Department. All the Indians of the Interior of British Columbia cannot help but take notice of the large amounts in compensation given to the natives on the Columbia River in the State of Washington, and in the State of Alaska, for loss of fishing rights, yet the Stuart Lake Agency natives have never been consulted by the Federal Fisheries authorities along these lines.

Numerous game clubs are continually pressing the provincial and Federal authorities for closure to Indians in respect to their fishing rights and continuing regulations are closing off the Indian fishing privileges, without any consultation whatsoever with these natives.

The prime example of such conduct is personified in the agreement known as the Barricade treaty entered into by the Federal government with the Stuart Lake, Fraser Lake and Stony Creek Band Indians of the Stuart Lake agencies.

These concessions were entered into by the government, and the Indians receive only one bale of twine in this respect each year.

List of concessions:

1. The Government will be required to furnish one net to each family, length of net to be 200 feet and 9 feet deep and twine sufficient to keep them in repair. Nets to be renewed about every two years. The number of families affected to be determined from Official Census of 1911 and the Annual Report of Indian Affairs to constitute basis of population of ensuing years. Nets to be furnished complete, with floats, etc.

2. Seeds of all kinds, adapted to climatic conditions, both field and garden, to include timothy, oats, barley, etc. to be furnished each family in sufficient quantities.

3. Farming implements of all kinds and necessary for proper cultivation to be supplied to those who will make proper use of them.

4. The Government will be required to locate, erect, maintain and operate a school within the Stuart Lake Agency, providing, of course, that the necessary grant from Parliament can be secured and obtained.

5. Fishing stations to be located at convenient places throughout the agency, for the taking of fish, providing always, that the Fisheries Act of Canada shall be respected at the said stations with regard to the spawning grounds.

6. Nothing in this agreement is to be used to the detriment of the Indians in famine years as in special cases of destitution, but that the Government of Canada, shall in the future, as in the past, provide the necessities of life to the worthy destitute, this in consequence of the loss of our barricades.

7. It is expressly understood that this agreement or settlement must first be endorsed by the Department of Indian Affairs at Ottawa, before becoming operative.

It is asked that this treaty be clarified and enforced as the Indians of all these bands are living up to their part of the treaty, in that they have not barricaded the rivers for fishing purposes since the agreement was signed.

The Stuart Lake Agency Indians would like to have the licence qualifications clarified as to requirement for permits for gill-nets under the Federal

Fisheries regulations, as this statute states licences are required under the B.C. Provincial Act for this type of fishing, but it does not specifically mention Indians. As Indians are exempt from licence fees, they wonder why they have to pay in this respect.

The Stuart Lake Agency Indians ask for deeper gill nets, under aboriginal permits, to fish the Nechako and Stuart Rivers and they request a boundary area be given back to them that has been taken away by the Federal Fisheries.

The Indians of the Interior again reiterate that these fisheries restrictions and laws are imposed on them without any, or insufficient, data collected by the Federal Fisheries local wardens. They state also that pressure by local game clubs, who are much more organized than the natives, is another factor that destroys their hereditary fishing rights.

The Indians require fish for their very sustenance in many areas, and would ask that a complete review of these matters be gone into by this august committee.

Treaties:

At the beginning of this brief, it has been stated that the only treaties as to land signed with the Indians in B.C. are located on a small area of Vancouver Island. These were executed with the old Hudson's Bay Company.

However, the Indians of the Interior have reason to believe that around 300 Indians in the Fort Saint John Agency in British Columbia are encompassed under Treaty Number Eight (8) extending from Alberta across the Rocky Mountain Trench into B.C.

The Government of Canada, through their Indian Affairs Branch, do not seem to recognise these treaty Indians, however, as they have never received any treaty monies, and we would ask for clarification in this regards.

Decentralization:

In respect to the Indian Affairs Branch section, the chiefs and councillors of the Interior of British Columbia pass resolutions, and, if the amounts are not budgeted for at the beginning of the year, the resolutions have to be sent back to Ottawa for ratification. Generally, many months elapse because of this.

Other matters also seem to fall in this category and the Indians feel most strongly that at least the Indian Commissioner for British Columbia should be able to make decisions in this respect, if not the Indian superintendents.

In defining area support for the submissions entailed in this brief and its accompanying supplement the following agency membership has been assessed by the spokesmen of each district and the ratification of the bands has been defined as follows in the columns by asterisks.

BURNS LAKE INDIAN AGENCY

BURNS LAKE, B.C.

Superintendent: W. J. Desmarais

<i>Band</i>	<i>Population</i>
*Burns Lake.....	25
*Cheslatta.....	83
*Lake Babine.....	601
*Omineca.....	132
Total.....	841
Total Support.....	626

KAMLOOPS INDIAN AGENCY

KAMLOOPS, B.C.

Superintendent: G. H. Perret

<i>Band</i>	<i>Population</i>
*Adams Lake.....	282
*Ashcroft.....	70
*Bonaparte.....	276
*Deadmans Creek.....	201
*Kamloops.....	295
*Little Shuswap.....	164
*Neskainlith.....	258
*North Thompson.....	236
*Oregon Jack.....	23

Fully Supported..... 1,805

KOOTENAY INDIAN AGENCY

CRANBROOK, B.C.

Superintendent: A. E. Fry

<i>Band</i>	<i>Population</i>
*St. Mary's.....	170
*Tobacco Plains.....	58
*Columbia Lake.....	114
*Shuswap.....	90
*Lower Kootenay.....	87
Fully Supported.....	519

LYTTON INDIAN AGENCY

LYTTON, B.C.

Superintendent: R. J. Meek

<i>Band</i>	<i>Population</i>
*Boothroyd.....	124
*Boston Bar.....	84
*Bridge River.....	113
*Cayoos Creek.....	48
Siska.....	85
*Pountain.....	344
*Kanaka Bar.....	65
*Lillooet.....	87
*Lytton.....	724
*Pavilion.....	138
*Seton Lake.....	250
Skuppah.....	18
Spuzzum.....	41
Clinton.....	15
High Bar.....	6
Total.....	2,142
Total Support.....	1,977

NEW WESTMINSTER INDIAN AGENCY

NEW WESTMINSTER, B.C.

Superintendent: J. S. Dunn

<i>Band</i>	<i>Population</i>
Aitchelitz.....	6
*Cheam.....	111
*Chchalis.....	272
Coquitlam.....	22
*Douglas.....	92
*Hope.....	115
*Katzie.....	135
Kwaw-Kwaw-Apilt.....	3
Langley.....	66
Matsqui.....	38
New Westminster.....	2
*Ohamil.....	43
*Peters.....	28
*Popkum.....	5
*Samahquam.....	100
*Seabird Island.....	224
Semiah moo.....	27
Scowlitz.....	99
Skawahlook.....	25
*Skookum Chuck.....	152
Skulkayn.....	42
*Skwah.....	153
*Skway.....	37
*Soowahlie.....	102
Squiala.....	26
Sumas Kilgard.....	72
Sumas Lakahahmen.....	86
Tsawwassen.....	54
*Tzeachten.....	96

NEW WESTMINSTER INDIAN AGENCY

—Continued

*Union Bar.....	39
*Yakweakwoose.....	27
Yale.....	56
General List.....	16
Total.....	2,371
Total Support.....	1,731

NICOLA INDIAN AGENCY

MERRITT, B.C.

Superintendent: E. J. Underwood

<i>Band</i>	<i>Population</i>
*Coldwater.....	219
*Cook's Ferry.....	120
*Lower Nicola.....	311
Nicomen.....	26
Nooaitch.....	74
Shackan.....	65
*Upper Nicola.....	297
Total.....	1,112
Total Support.....	947

OKANAGAN INDIAN AGENCY

VERNON, B.C.

Superintendent: D. M. Hett

<i>Band</i>	<i>Population</i>
*Okanagan—50%.....	697
Osoyoos.....	148
*Penticton—50%.....	268
*Lower Similkameen—25%.....	150
Upper Similkameen.....	18
Spallumcheen.....	281
Total.....	1,562
Total Support.....	520

STUART LAKE INDIAN AGENCY

VANDERHOOF, B.C.

Superintendent: W. E. Grant

<i>Band</i>	<i>Population</i>
Finlay River.....	198
Fort George.....	70
*Fraser Lake.....	138
McLeod Lake.....	147
*Necoslie.....	395
*Stellaquo.....	129
*Stony Creek.....	273
*Stuart-Tremleur Lake.....	434
Takla Lake.....	216
Total.....	2,005
Total Support.....	1,374

VANCOUVER INDIAN AGENCY

Interior Bands only

VANCOUVER, B.C.

Superintendent: J. C. Letcher

<i>Band</i>	<i>Population</i>
*Anderson Lake.....	82
*Mount Currie.....	647
Wholly supported.....	729

WILLIAMS LAKE INDIAN AGENCY

WILLIAMS LAKE, B.C.

Superintendent: Wm. Christie

WILLIAMS LAKE INDIAN AGENCY

—Continued

Band	Population	Band	Population
*Alexandria.....	41	*Quesnel.....	17
*Alexis Creek.....	222	*Soda Creek.....	118
*Alkali Lake.....	247	*Stone.....	122
*Anahim.....	428	*Toosey.....	77
*Canim Lake.....	197	*Williams Lake.....	181
*Canoe Creek.....	220	*Nazko.....	113
*Nemaiah Valley.....	119	*Kluskus.....	59
		*Ulkatcho.....	195
		Wholly Supported.....	2,356

In clarifying the area described as the Interior of B.C. the committee feels that a total of 16,046 natives are involved with 12,584 Indians out of this number ratifying or supporting the contents of this brief.

The VICE-CHAIRMAN: Would you proceed then, Mr. Manuel?

Mr. MANUEL: Mr. Chairman, ladies and gentlemen, I want to express my thanks to this committee for calling us here to express our views in respect to the Indians of British Columbia, and for giving us the opportunity to express our views in respect to the Indian Act.

We want you to transmit our greetings to the Prime Minister, Mr. Diefenbaker, and Minister Fairclough for the opportunity rendered by the government to the interior Indians to meet in this way.

Now I would like to outline briefly the reason we wanted to appear before this parliamentary committee, if it is agreeable.

The VICE-CHAIRMAN: Surely.

Mr. MANUEL: The Indians in the interior of British Columbia received notices from the clerk of the department in respect to this parliamentary committee before it was formed, and they were asked to come to this parliamentary committee or to submit some evidence. So the interior Indians decided at that time that they should form an organization so that they might submit a brief together, rather than to have each chief submit his own individual brief, which might prove conflicting and contrary one to the other.

We first formed what might be called an aboriginal rights committee under the chairmanship of Mr. Peters, with Mrs. Mussell as vice-chairman, and one of my colleagues here, Bill Walkem.

As you know, we travelled to the various agencies and areas in British Columbia, and we also travelled into the north country right up to the border of Alaska and through the central interior. Things went so well that we felt we should organize into the North American Indian brotherhood, which was Andy Paul's old organization, because we did not want to see it die.

So at a meeting at Kamloops it was decided by means of a secret ballot election, that I should be president of the organization which I represent here today. And to my left is the chief who is secretary of that organization.

Before we go into the Indian Act, since our claims are similar to the Nishga council, we discussed before coming here, and I would like to ask Mr. Chairman and the hon. members of the committee if you would like us to have Mr. Calder come up here to help us on the question of Indian lands, because he is quite familiar with it.

Andy Paul took up that question with Mr. Calder, and he gave evidence in 1936, I think it was.

The VICE-CHAIRMAN: Mr. Calder, would you like to come up here?

Mr. FRANK CALDER: If it is your wish.

The VICE-CHAIRMAN: Yes, of course.

Mr. MANUEL: Our claims with respect to the Indian land question are pretty well self-explanatory, as far as our brief is concerned, and I would like to read it.

The VICE-CHAIRMAN: You mean you would like to read just a portion of it?

Mr. MANUEL: Yes.

Mr. MCQUILLAN: Are there any extra copies of the original brief? I do not think many of us have them.

The VICE-CHAIRMAN: Yes, here they are.

Mr. MANUEL: It is as follows:

Indian Land Question:

1. NON TREATY LANDS:

Since Interior representatives along with the Allied Indian Tribes presented evidence before a joint parliamentary and Senate committee in 1926 and 1927, there has been very little evidence forthcoming from the Interior Indian Tribes of British Columbia at later Parliamentary committees.

The Indians of the Interior still feel strongly about the Indian land question in British Columbia, both as to the allocation of land to the reserves by the Provincial and Dominion governments, and as to compensation for British Columbia lands which they consider are not as yet constitutionally surrendered with commensurate compensation to their peoples.

Problems associated with land, the extinguishment of aboriginal title, the reversionary interests of the Province, and the granting of compensation have all hampered the relationship of the Indians with the Indian Affairs Branch and various Provincial and Dominion Government departments, creating a resentment and friction which has existed from the time the spokesmen of the Indian peoples of the Interior of British Columbia became conscious of their legal rights in a society having customs, rules and laws vastly different from their hereditary surroundings.

Apart from individual incidents, Indian communities in the Interior of British Columbia were never involved in violent conflict with the whites, and the only surrendered or treaty lands in British Columbia are located on Vancouver Island on the Coast. This committee takes exception with the Parliamentary and Senate committee appointed to review the claims of the Allied Tribes in British Columbia, in that the 1926-1927 body came to the conclusion that because Tzouhalem, a chief of a band of Cowichan Indians, and Chief Tsilatchach of the Songhees were reprimanded for killing animals belonging to the white people at Fort Victoria, and sued for peace, that the Indians of British Columbia were defeated by conquest, thus giving up any rights for compensation by expropriation that Britain has awarded to aboriginal peoples for territory peacefully settled. We cite the Nigerian example where compensation has been awarded by the Privy Council to aboriginals after continual defeat in the courts of their claims on land title. We contend that an isolated skirmish at Victoria has no bearing on the claims of our people for compensation in that the Indians of British Columbia were defeated by conquest.

The gist of the claims is as follows: That the various nations or tribes have aboriginal title to certain territories within the province, which, to perfect the Crown title in the right of the province, should be extinguished by treaty providing for compensation for such extinguishment. The special mark of a treaty with Indians is the payment of annuity. This has been absent in British Columbia with the exception of the \$100,000.00 per year British Columbia Special Vote.

This brief could go into greater detail as to the arguments pertaining to aboriginal title, with many letters and statutes quoted. Some of these pertinent to the argument include the proclamation of King George III, Article 13 of the Terms of the Union between British Columbia and the Dominion of Canada, Section 109 of the British North America Act, applicable to British Columbia, and Orders-in-Councils including Privy Council Order Numbers 751, 1081 and annex thereto.

Many letters from Imperial governmental personages, governor-generals and representatives of His or Her Majesty's government dealing with the question of aboriginal title were presented to the 1926-27 Senate and Parliamentary committee together with letters and memorandums from representatives of the Indian Affairs Branch, the Government of Canada, and the Province of British Columbia. These are all included in Hansard, in claims of the Allied Indian Tribes. This brief does not purport to analyse these Orders-in-Council and letters because of lack of space.

We may state that the Interior Indians, through their spokesmen, heartily concur with the Allied Indian Tribes evidence as to aboriginal title and evidence pertinent to the allocation of Interior reserve lands laid before the committee at that time.

As before, we feel the only place to settle such an important issue is before a judicial committee of the Privy Council, and in lieu of such judgment a reappraisal of the settlement given to Interior Indians in the form of, amongst other things, grazing lands, increased housing facilities, educational help, trapping and fishing privileges, medical subsidies, revolving loan fund increases, an increase in the British Columbia Special Vote, and a revision of the Indian Act to include more self government.

Basic to our argument on aboriginal title is the Proclamation of King George III. We submit in this brief for your perusal, however, the two letters pertaining to the first Lieutenant-Governor of British Columbia, Governor Douglas, in relation to aboriginal title. These letters are known to spokesmen of the Interior, and through them, the Indians of their areas, are familiar with their intent. We submit these in this brief for your study and would humbly ask that a review of the claims of the Allied Indian Tribes to the Special Joint Committee of 1926-27 be perused by your august body in order to view the aboriginal title claim in the proper context. We have access to this evidence in book form.

I do not want to go into the letter from governor Douglas, but I would like to say this: that the Indians of the interior still base their claim along the same line as Mr. Frank Calder has outlined to you. I do not want to go into any further details because it might take up too much time, but I would like to say that all the interior Indians I have visited—and I have visited pretty nearly all the reservations of the interior—the first thing they wanted to discuss with us was the Indian land question.

They did not seem to be interested in anything else. Maybe that is because of the social problem which has developed in British Columbia. According to the statistics that the Indian department gave us in Vancouver, 80 per cent of Indians in British Columbia are under social assistance. So we feel that the Indian land question might have some effect, or some psychological effect on these people in British Columbia. It is a sore spot to them. They want this thing to be settled in court once and for all. That is the claim of our people throughout the interior.

Senator HÖRNER: What is it that you want particularly? What is it that you are asking for particularly? Is it the enlargement of the lands that you now hold, or what is it?

Mr. MANUEL: Indians definitely recognized territorial rights in olden days, and they felt that British Columbia was peacefully penetrated. We also cite the Nigerian example where Britain peacefully penetrated those countries. And then there is today the Alaskan problem which has arisen, and where it looks as if the United States will recognize the claim.

So we feel we should be considered along those lines, likewise, and given consideration or payment as compensation in respect to territorial claims that the Indians have in their minds; and there is also dissatisfaction in respect to Indians reserve boundaries. We feel that the McKenna-McBride commission failed in that it never consulted the Indians. The Indians feel that they have never ratified the findings of that commission. Yet the Indians are bound by the laws which say that the reserve boundaries are to be where they are. Many of our friends here in the central interior are raising cattle now, yet they have no place on which to range them.

As a result, they have to pay the crown for property on which to range their cattle, and this they felt was theirs by territorial rights, or territorial land.

The VICE-CHAIRMAN: Do you want to say anything further before the questioning begins?

Mr. McQUILLAN: I would like to know on what this figure of 80 per cent of Indians in British Columbia being under social assistance is based.

Mr. MANUEL: I do not exactly know. Perhaps Colonel Jones would know. This report was made at the native brotherhood convention by Mr. Enfield.

Mr. H. M. JONES: (*Director of Indian Affairs Branch*): I was a little startled myself when I heard the witness make that statement. I am inclined to believe there was a misunderstanding there. It is a terrific proportion, if you are thinking of the number of people being on what we call direct assistance. But if you think of family allowances, old age assistance, and old age security payments, possibly it would be 80 per cent. But the way I heard the witness state it, would indicate that 80 per cent of the Indians of British Columbia would be on relief, and I would be interested to know where he got that information.

Mrs. MUSSELL: At the Kamloops convention between March 7 and March 12 Mr. Anfield gave us that figure, when he said that 80 per cent of the Indians of British Columbia were on social assistance. The figure came directly from Mr. Anfield who, I presume, should know what he was quoting.

Senator HORNER: If you mean family allowance and old age pensions, then 80 per cent of all Canada is on relief.

Mrs. MUSSELL: I believe it was just the relief rations.

Mr. McQUILLAN: Mr. Chairman, I think there is definitely some misunderstanding there. Perhaps the words that Mr. Anfield used have been misinterpreted or misunderstood; but I am sure he would never make such a statement, with the knowledge that he has.

The VICE-CHAIRMAN: Do you wish to continue now, Mr. Manuel, on this same question?

Mr. MANUEL: I would like to say that any benefits that the native people of British Columbia have received from the governments are considered as a part compensation for our land rights, which were never extinguished, in the opinion of our peoples.

Senator HORNER: In other words, the \$100,000 you get from the B.C. government is not sufficient, is not ample?

Mr. MANUEL: Well, we were never given any chance to make any specific recommendations as to what we want in British Columbia, through courts.

It was only the recommendation in lieu of annuity that this \$100,000 was given to the British Columbia Indians.

The VICE-CHAIRMAN: Does that complete your outline on the land question?

Mr. MANUEL: It does.

The VICE-CHAIRMAN: We could open up questions on that, and complete it before we proceed. I think that probably would be the best way to deal with it. Are there any questions on this subject, before we continue on with the next problem?

Senator HORNER: I would like to ask a question. Would you be a little more definite—it would help the committee—about what you really desire done in connection with land; whether it is an enlargement of your present reserves, or what is the aim exactly?

Mr. MANUEL: The claim of our people is that compensation should be given for the territorial rights that the people claim in their areas—the same as in the United States. We are unfortunate in British Columbia, or in Canada, that we do not have an Indian claims commission, which the United States government has. That is why we are putting our problem to you very honourable gentlemen for your consideration.

Senator HORNER: You would still have to instruct that commission as to exactly what you wish to have. That is what I would like you to be more particular about, what you consider you need.

Mr. MANUEL: We have it in our next paragraph in the brief, in respect to land enlargements on reservations, which is on page 6, allocation of land on Indian reserves in the interior.

The Indians have always been dissatisfied as to the allocation of lands. There are many records, and petitions, to the government for lands that were given by the government to the Indians, that they call Indian reserves. This is unsatisfactory. That is one of the arguments.

But they also want recognition of territorial rights. They want their operational rights recognized, and they want title extinguished from the crown. They feel there has been no compensation from the government for extinguishment of their land title.

Mr. McQUILLAN: Mr. Chairman, when you speak of compensation, are you speaking of compensation in the light of the time when these—as you claim—lands were taken away from the Indians and the provinces formed, or are you speaking of compensation in the light of present day values of these lands?

Mr. MANUEL: It is not for me to say that. It would be assessed by, maybe, a committee or tribunal.

Mr. McQUILLAN: If, by any chance, this were taken to court, and the court found that you had no rights, would you be satisfied with that judgment?

Mr. MANUEL: Well, in that case—

Mr. McQUILLAN: Would you accept that judgment?

Mr. MANUEL: In that case, it would be settled once and for all, and it would ease the thinking of the natives of British Columbia.

At the present time it is in the minds of the Indian people—they have no treaties; they have never had any agreements or any settlements, which all other natives of the country have; that is, all other natives of Canada have. But in other countries, where a country was peacefully penetrated, compensation was given to the aboriginals of the country.

Senator HORNER: Might I ask how the figure of \$100,000 from the British Columbia government was arrived at, if that was not compensation?

Mr. MANUEL: In 1926 and 1927 the Allied Indian tribes of British Columbia put their claims before a joint parliamentary committee here in Ottawa. Their claims at that time were, I think, disallowed—or were not recognized. So as a result of that presentation, the \$100,000 in lieu of annuity was granted to the British Columbia Indians.

The VICE-CHAIRMAN: And you have been receiving that \$100,000 ever since?

Mr. MANUEL: A year.

Senator HORNER: How was that figure arrived at? The Indians must have accepted that.

Mr. MANUEL: We had no choice.

Senator HORNER: You must have been consulted; there must have been some agreement.

Mr. MUSSELL: Mr. Chairman, perhaps I might add something here. True, the \$100,000 B.C. special was made available to the Indian to supplement some of his necessities, and was given in lieu of annuities. But this was not recognized by the Indian. The Indian was not told, "We are giving you \$100,000: this is treaty money". He was not asked. They did not know where the money was coming from, with the assistance that they obtained. That is the way it hurts the Indian people. They do not know if this \$100,000 is treaty money, an annual annuity.

This may be true, but the Indian people themselves were never informed, consulted or told about this \$100,000 B.C. special. That is the argument.

Mr. MANUEL: I would like to quote from the meeting of the Indian delegates conference in Vancouver of April 15 to 18. I would like to quote a little excerpt, if I may.

The VICE-CHAIRMAN: Yes, as long as you give that to the reporter afterwards, please.

Mr. MANUEL: This was in respect of the B.C. \$100,000 vote, the discussion at Vancouver.

Several delegates at this point suggested that a large number of the Indians had no detailed knowledge of the B.C. special vote or of the circumstances leading up to its availability in this area. It was suggested that, before any resolutions be received, further information regarding the history of the vote be given to the assembly by Mr. Andrew Paull. Mr. Paull outlined the problems leading to the claim of the Indians for settlement of the land question. He advised that the claim was not recognized but that, following the 1926-27 joint committee meetings at Ottawa, a sum of \$100,000 was granted for special uses in British Columbia in lieu of annuity or treaty. Mr. Paull made the point that the B.C. special vote did not, in his opinion, finalize the problem of land settlement for the British Columbia Indians, and he asked assurance that any discussion of the use of the B.C. special vote should not be construed as any final settlement for lands in British Columbia.

That is just to give you an idea.

Mr. STEFANSON: Are there no treaties with the Indians of British Columbia?

Mr. MANUEL: Not as far as we know.

Mr. SMALL: Mr. Chairman, I think I tried to explain this once before to the committee, where the idea of the treaties had got out of the understanding of the range of thinking of the Indians.

The treaties originally came from alliances with the French and the English. The Iroquois and the Hurons, and other allied tribes were allied with the French. When the conquest took place and the ceding of the territory was

taken over, those alliances were recognized, because the Indians had agreements and treaties with the two governments; the two kingdoms, as it were. One was with his Christian Majesty of France, and the other was with his Britannic Majesty of England. They agreed, and they were the treaties established in the human rights.

As far as the western part was concerned, there was no alliance; there was no conflict between the races, and therefore the Indians had not made alliances with the different governments. So when the ceding took place in 1763, most of this preamble here by His Majesty, King George III, only applied to those Indians who had treaties. That is the reason why there are no treaties out in the west.

The treaties that came in afterwards, in 1867, were a matter between the Indians and their rights on the reservations. I think their problem here is that with the growth of the Indians out there, they have not got enough territory in which to operate. It is a matter of expansion.

You are asking for an expansion, or an extension of your rights. It is not a question of a treaty. There was none in existence. I think that is the difficulty we are in at the present time.

Mr. MANUEL: That is partly it, yes. But we still recognize territorial rights, and we want to have these territorial rights settled once and for all.

Mr. SMALL: Most of that territory was owned by the Hudson's Bay Company and another company, I think, and that came under a different one. That was sold out and bought from them. It was practically crown land. It is getting this thing into relative value that we would like to discuss with you, and see if we cannot remove this complaint, or grievance, that you have in this connection, so you can get some satisfaction out of this position.

Mr. McQUILLAN: Mr. Chairman, there was one question that Mr. Stefanson asked about treaty Indians in British Columbia. There are, in the Peace river area, Indians who come under treaties; but not west of the Rockies.

The VICE-CHAIRMAN: Are there any other questions, gentlemen, on this land question? If not, would you like to proceed, Mr. Manuel.

Mr. MANUEL: I would like, in this case, to read despatch number 24, from Governor Douglas, on page 4, where the colonial officer at that time, Governor Douglas, recognized the territorial rights that some of the Indians had at Vancouver island.

The VICE-CHAIRMAN: Page 4?

Mr. MANUEL: Yes; if I may, Mr. Chairman.

The VICE-CHAIRMAN: Yes.

Mr. MANUEL: It reads as follows:

The first is Despatch Number 24, dated March 25, 1861, Victoria, from Governor Douglas of British Columbia to the Secretary of State for the Colonies.

"My Lord Duke.—

I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth, the evils that may arise from the neglect of that very necessary precaution.

2. As the native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full

consent of the proprietary tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

3. Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase the native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of government.

4. All the settled districts of the colony, with the exception of Cowichan, Chemainus, and Barclay Sound, have been already bought from the Indians, at a cost in no case exceeding £2/10s. sterling for each family. As the land has, since then, increased in value, the expense would be relatively somewhat greater now, but I think that their claims might be satisfied with a payment of £3 to each family; so that taking the native population of those districts at 1,000 families, the sum of £3,000 would meet the whole charge.

5. It would be improper to conceal from your Grace the importance of carrying that vital measure into effect without delay.

6. I will not occupy your Grace's time by any attempt to investigate the opinion expressed by the House of Assembly, as to the liability of the imperial government for all expenses connected with the purchase of the claims of the aborigines to the public land, which simply amounts to this, that the expense would, in the first instance, be paid by the imperial government, and charged to the account of proceeds arising from the sales of public land. The land itself would, therefore, be ultimately made to bear the charge.

7. It is the practical question as to the means of raising the money that at this moment more seriously engages my attention. The colony being already severely taxed for the support of its own government, could not afford to pay that additional sum; but the difficulty may be surmounted by means of an advance from the imperial government to the extent of £3,000, to be eventually repaid out of the colonial land fund.

8. I would, in fact, strongly recommend that course to your Grace's attention, as specially calculated to extricate the colony from existing difficulties, without putting the mother Country to a serious expense; and I shall carefully attend to the repayment of the sum advanced, in full, as soon as the land fund recovers in some measure from the depression caused by the delay Her Majesty's government has experienced in effecting a final arrangement with the Hudson's Bay Company for the reconveyance of the colony, as there is little doubt when our new system of finance comes fully into operation that the revenue will be fully adequate to the expenditure of the colony.

I have, etc.

(Signed) JAMES DOUGLAS"

The reply, dated October 19, 1861, from the secretary of State for the Colonies to Governor Douglas, reads as follows:

"Sir.—I have had under my consideration your despatch No. 24, of the 25th of March last, transmitting an address from the House of Assembly of Vancouver island, in which they pray for the assistance of Her

Majesty's government in extinguishing the Indian title to the public lands in the colony, and set forth the evils that may result from a neglect of this precaution.

I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver island; but the acquisition of the title is a purely colonial interest, and the legislature must not entertain any expectation that the British taxpayer will be burdened to supply the funds or British credit pledged for the purpose. I would earnestly recommend therefore to the House of Assembly, that they should enable you to procure the requisite means, but if they should not think it proper to so do, Her Majesty's government cannot undertake to supply the money requisite for an object which, while it is essential to the interests of the people of Vancouver island, is at the same time purely colonial in its character, and trifling in the charge that it would entail.

I have, etc.,

(Signed) NEWCASTLE"

We would again like to emphasize that in presenting our requests for increased help from the dominion government, we are not asking for charity—that is the part we want to emphasize—but feel that we have a constitutional legal right for further compensation. Together with this, the expanding industrial and agricultural development of the interior of British Columbia makes us realize more and more that if we do not receive the proper educational training, and in particular vocational educational training, to supplement our seasonal communal working and living pattern, we will find our living standards becoming ever lower, and, rather than contributing to the growth of the interior, we will become a burden to it.

The VICE-CHAIRMAN: Are there any further questions regarding this part of the brief? If not, gentlemen, would you like to proceed with the section entitled "Allocation of land on Indian reserves in the interior".

Mr. MANUEL: Yes; I think we should.

Mr. HOWARD: What did you have in mind as to adjournment.

The VICE-CHAIRMAN: 11:30.

Mr. HOWARD: I wonder if it would be advisable to adjourn now, so that we would not be caught in the middle of the presentation and arguments on this question of the extension of land on reserves.

The VICE-CHAIRMAN: Yes. I wonder, however if Mr. Manuel feels it is necessary to read this part.

Mr. MANUEL: No; but we might have a discussion on it.

The VICE-CHAIRMAN: As this will be included in the report, you might outline very briefly your special remarks on this and then we could have the questioning. It is up to the committee whether you wish to adjourn now and come back at 3:30 or whether we might continue for another few moments.

Senator HORNER: I think we should continue. We might get through this section now.

The VICE-CHAIRMAN: All right, Mr. Manuel.

Mr. MANUEL: In respect of the allocation of lands we feel that the Indians—not all the Indians, but many Indians in various areas—believe they were never consulted in respect of the surveys of the McKenna-McBride commission. In fact some of the Indian bands had never known anything about it. As a result there has been a lot of dissatisfaction in respect of the boundaries of the reservation, particularly now when some of the people are interested

in stock raising. In some areas they do not have the range to range their cattle on. That is the dissatisfaction in that regard.

On the cut-off of the lands, some 20,000 acres were cut-off and the Indians feel they should be given back. In many areas they feel the cut-off land should be returned or that there should be compensation for the cut-off lands which were taken as a result of the recommendation of the McKenna-McBride royal commission.

The VICE-CHAIRMAN: Are there any questions on this section?

Mr. HOWARD: Is this McKenna-McBride commission the royal commission which sat in 1915 or 1916?

Mr. CALDER: It was in 1912.

Mr. MCQUILLAN: As we well know, except in very rare cases, even in the interior of British Columbia, the Indians show no particular interest in agriculture. If these lands were enlarged, do you really feel that the Indians in the interior of British Columbia are interested in agriculture, or are they more interested in working in the industries which have been created by industrial development through the efforts of the white man in that country.

Mr. MANUEL: In some areas we are interested in industry. We are coming to that. That is what mostly bothers us. We are, however, also speaking for the native people who are in agriculture and who are short of range land.

Mrs. MUSSEL: In my own particular area, the Skwah Indian reserve adjacent to the municipality of Chilliwack, B.C., we have approximately 300 acres and the total population of the reservation is 153 Indians including children. It has happened by heredity that a few families own the majority of the lands on the reserve. We have a family which owns 75 acres. Another family owns 40 acres; but the majority of them own only a very few acres. We find that the youngsters or teenagers today who wish to get married have no future in respect of farming, nor have an allotment of land to be given them. They are restricted because of the lack of land in our vicinity. What will become of these youngsters who want to farm and are restricted?

Mr. MCQUILLAN: You have the same problems which the white youngsters have. How would you suggest it would be possible to acquire the land which you say is needed for Indian expansion in agriculture in this area.

Mrs. MUSSEL: Our area adjoins another reserve. There are five reserves adjoining one another. The reserve adjoining the Skwah Indian reserve has a population of 20 some odd, but they do not even live on the reserve. I believe there is only one family remaining. The bulk of the reserve has been leased. In order to expand I think they might overlap on to the next reserve.

Mr. MCQUILLAN: In reservations already set up?

Mrs. MUSSEL: Yes. This is in my particular area. In the interior it is completely different. The interior reserves perhaps are not in a position where they can overlap.

Mr. MCQUILLAN: To face it realistically, you would not suggest that thousands of acres of land now occupied by farmers in that area should be taken away from them and given to the Indians for the Indians to farm on?

Mr. MANUEL: I think all they want is compensation for the cut-off land. I think they were willing to take \$1½ for cut-off land at that time.

Mr. SMALL: You mean expropriated.

Mr. MANUEL: Yes.

Mr. SMALL: This morning I asked Mr. Calder a question about the agricultural land in respect of the Nishga Indians and he said there was not much

agriculture. Now you come up with this matter of agricultural lands. He said there were certain farms which were leased. Who is leasing them?

Mrs. MUSSELL: Non-Indians.

Mr. SMALL: The Indian is getting the benefit from this land and is not turning it back into the band. He is deriving treaty money from it. There is an interesting question which arises about non-Indians being on the land and leasing it. They should not have been there in the first place, but the Indian himself has allowed this invasion which is causing part of the trouble. There was a similar problem in China. It was also hereditary there, and now only half an acre remains for a family. The same thing is happening here. In Ontario there is a good deal of good farm land and the Indian will not cultivate it; he wants to come into the city. You gave the answer yourself when you said that the reservation next to you has the land you want. In the old days the tribe would go in and take it, and there would be no argument about it.

Mrs. MUSSELL: You mentioned the fact that Indian people do not like to farm and have no interest in farming. I think this is a wrong impression you have. In my personal contact with them I find they have the will to farm but have been refused help so often that they have reached a point of utter frustration.

Mr. SMALL: I just said we have experiences in Ontario where they have good farm land which should be cultivated and is not cultivated, where they have good up-to-date farm land which should be cultivated, but which is not cultivated, and if the Indians wanted to go into the city to work, they abandoned their farms.

Mrs. MUSSELL: Thank you.

Mr. MANUEL: We are only asking for this where it is feasible. In some areas such as Mr. Walkem's area, there are agricultural people who are raising stock. They raise a lot of stock, but they never have enough land on which to range their cattle. So they would like to have a survey made of the reservation and of the adjoining property, the crown property, where they are now ranging their cattle. We would like such a thing recommended by the committee, or we would like to have a recommendation along that line.

Now I would like to outline a little problem that the Fort St. James Indians have. The Fort St. James Indians live on a reserve at Portage and at three or four other reservations in that area. But they have no place to send their children to school because of the fact that the residential schools are over-crowded.

So, in order to send their children to school, they have to move into Fort St. James, yet they never have enough money to buy their own property there. So the Roman Catholic church at Fort St. James gave them a piece of property on which to build their houses. However, that property is not their own property. So these Indians are living under very deplorable conditions.

I am sorry that I do not have photographs of the type of shacks that they have to live in. There are 12 by 12 shacks, in which five or six people have to live.

These Indians have put in an application to the Indian affairs department to have this portion of land surveyed as an Indian reserve. They have made application to the crown and so on. I think there was work started along those lines by the Indian department. But there were complaints in that area about Indians living too close to town. So as a result the Indians are not getting this, yet they are still living there. That is the type of problem we are up against, and that is why we need reserve expansion in the area.

At the Nation river, which is 60 to 70 miles further up from Fort St. James, there are three or four, or half a dozen families of Indians living there. They lived there and recognized it as their homes for many years; yet they found,

about 1935, that this particular spot was not a reservation. However there are a lot of Indians there as well as non-Indians. And in spite of the fact that these people have lived there, have been born there and have died there, this place is still not a reservation.

Senator HORNER: They should have acquired squatters' rights then, should they not?

Mr. SMALL: Do they not allow squatters' rights in British Columbia?

The VICE-CHAIRMAN: Are there any questions on this particular part?

Mr. SMALL: Is there not enough property in this area we are talking about on which to build another school?

Mr. MANUEL: It is an isolated area. There are no roads there. The only way they can get in is by plane, or by boat when the water is open, or by walking.

Mr. SMALL: Last year another delegation mentioned the fact that along the coastal land where there are fishermen, there was a problem about schools. Does your band agree—like the delegation that was here last week—that there is a problem when these Indians go away to fish and take their families with them, that there is nobody left there, and there is nobody to be educated until they return in the fall?

Mrs. MUSSELL: No, not at this place.

Mr. MANUEL: Not in the particular spot I was talking about.

The VICE-CHAIRMAN: It is now 11:35, and I think we can say that we are through with the questioning on this portion of the brief, including argiculture.

Mr. WALKEM: I want to speak about argiculture at 3:30, because I have a brief on it.

The VICE-CHAIRMAN: Very well. We shall adjourn now until 3:30 this afternoon in this same room.

AFTERNOON SESSION

THURSDAY, May 26, 1960,
3.30 p.m.

The CHAIRMAN: Ladies and gentlemen, we have a quorum and I think we should proceed as quickly as possible so that we might finish this this afternoon.

Now, Mr. Manuel, are you going to proceed or is Mr. Walkem going to speak on agriculture?

Mr. MANUEL: Mr. Walkem is going to speak on agriculture.

Mr. WALKEM: Mr. Chairman, ladies and gentlemen, I think I will read this brief right through and then we can discuss it roughly.

The CHAIRMAN: Well, as I suggested this morning, this is going to be pretty near five pages. If you have some comments you can make, this is all included in the report now, Mr. Walkem. If you can comment on it, without reading the whole thing, it would take considerably less time, if you wish.

Mr. WALKEM: I will try that.

With the coming of the white man, the Indians have changed their economic system of living. They used to hunt and fish, but as of now they have turned to agriculture. They have tried to orient themselves to the white man's way of living. It is a very difficult problem because they are not educated, they have not the schooling that you people have.

We live on small little pieces of ground; what they call garden plots. Some of our acreages will go five, ten, possibly 20 acres but, as a whole, we do not seem to make much progress because from the help that we get we do not seem to have much money.

We would like to talk a little about grazing for a while. Grazing is a very important thing to the Indians of interior British Columbia. They rely solely on that for agriculture. They grow hay, they cure that hay and then they feed that to their cattle, and they must produce roughly one ton of cured hay to keep one animal for a year.

We would say that you people, in your way of living, have your economy. You can live in towns and cities where the Indians cannot. They have to have the open spaces. You have areas over in Europe, such as Great Britain, the Netherlands, France and Germany, where you have learned to live in areas that are populated. But the Indian has to have room. Farming seems to be the only thing that he can do in your sphere of life, to try to get himself arranged so that he can have agriculture and lumbering as a living.

I have lots of things I would like to discuss but I would say the Indians in the interior raise about 4,000 head of cattle. That takes in the Nicola area; the Similkameen and ends up into the Chilcotin; and compared with the life that some of the well-to-do ranchers are living there, these multi-millionaires who come in there and buy these ranches for a hobby—they do not seem to care much for their way of living, but the Indian has to depend on a certain little economy, which is given him, and he has to make an existence.

When Fraser came out and discovered the Fraser, he found a tribe of Indians, the Caribou, that had horses. The horses came in from the south through the Okanagan area and into the Caribou.

When British Columbia joined Confederation in 1871, our reserve areas were mapped out and it seems that in certain areas they have never given any consideration as to grazing. They mapped out possibly in an easterly and westerly direction or northerly and southerly direction, and they asked Indian chiefs—there was an Indian chief at home, related to us through our ways of telling stories, that when the surveyors came in there, they asked this old chief what areas he would like and he said: "I will take my areas from that mountain to that other mountain there, and across the river". But, of course, according to the maps that we have since 1871, we have very little share in that Fraser canyon, and through the Nicola area. It is very small and it is quite different as you go farther east.

The lands there, as in Kamloops and Vernon, Penticton and all those areas, have enough land there, and their reserves are more open. The surveyors, when they went through that area, because of the kind of area it was, they did not mind mapping it out like that; but where we come from it is very tough, and it seems that we have to rely on the raising of cattle for our existence.

I would like to go into the irrigation system. In the 1920's it had been quite a thing to always discuss irrigation, but now it does not seem to be so prevalent because the water has come back to the country. I guess it is through forests which have grown up again, and it is not so hard for us for irrigation purposes. We have the Cornwall reserve at Ashcroft, which is a large reservation for that area but there is no water available. I do not know the reason why but I would think they have a little water rights there, but they do not seem to consider them at all. Then there is the Basque Indian reserve at Basque. I saw the place myself, and it is quite a prosperous place, about 25 years ago, and now it seems to have no water.

Then we get into the Penticton area. The Indians there have a lot of land. The storage of water is not looked after. When the high waters come, it comes down to the creek and they use that water in the lowlands, but as the water

draws up they cannot do much. They would like to have storage dams, storage areas which could hold back the water so that in the future the younger ones would be able to use more land at Penticton.

In the Williams lake area they have quite a problem there in their irrigation. It seems as if the engineers and those working for the Indian department do not seem to put in good systems. The Indians would suggest that any contracts they let out be let out to responsible parties, and the Indians would work with these responsible parties because they are more accustomed to the type of irrigation that they would like.

I will go through to timber sales—timbering. As you know, timbering goes with agriculture. In our reserves in the interior of British Columbia our timber is about depleted. There is hardly any timber left, and that is one of our main sources of revenue. We try to base our economy on agriculture and timber.

There have been two different lots put up for sale, I think, sealed tenders sent here to Ottawa, to Mr. Jones, and I do believe this is a very good system. It has gone through to the band funds, and those who are in need will make use of those band funds. But it does not encourage private industry or private enterprise. Those who have wanted to go ahead, the young ones, are held back. They seem to be still hanging onto the socialist system, which we detest. Our young fellows would like to get ahead and make a business of our own, to be able to stand on our own feet. How are we going to be able to stand on our feet when we are on social assistance most of the time?

We would like to see machines, if Indians have any ambition to go in and use these machines on those timber sales. There are certain things I would like to bring up, like the roads and bridges in one area, in Lytton, especially. They have a road there on the west side of the Fraser which is used solely by Indians. They have a large place there owned by Colonel Victor Spencer, but he looks after the roads, only that he uses. There is quite a space there, about ten or twelve miles that the Indians have to use themselves, and the bridge that crosses the Stein river is very unsafe. There has been one death over that bridge in the last couple of years, and the Public Works has been notified. They just repair what they can repair, but that does not do away with the brittleness and decay of the timbers that hold that bridge together. We would like to see a little more capital readily accessible for use for the raising of our stock for grazing and our timbering businesses.

One thing I would suggest is that we should have two or three tractors fully equipped under each agency. There is an agency in Vancouver, Westminster, Lytton, Merritt, Vernon, Kamloops and Williams lake. They would help those who are really in need, because a lot of our farms, after all, are small, little plots of ground, both in the Lytton and Nicola area.

We have got horses as motive power. We are away behind the times. So we maybe could better our conditions so we will be able to stand on our feet.

Lastly, I would say the government should try and hold meetings more often with the Indians to give more close relationship between them.

That will give you an idea.

The CHAIRMAN: Thank you, Mr. Walkem.

Are there any questions of Mr. Walkem?

Mr. McQUILLAN: I know, as Mr. Walkem says, that undoubtedly a number of Indians are interested in embracing agriculture as a means of livelihood. Is it not so that most of them are doing it just because they have not been able to get out, they have not an education and training to get out and do other things? The point I am getting at is, if the Indians who wanted to go into other fields of work, were encouraged to leave the reserves, would it not leave enough land for those who want to farm?

Mr. MANUEL: Mr. Chairman, ladies and gentlemen, that is the wish of a lot of Indian people, but they cannot get work in British Columbia. We have many young people who wish to go out and get work and some of these Indians that are educated have some degree of training in respect of mechanics and so on. I know one in particular, but it seems when they get out to look for work, they are not able to get work. They are not quite as aggressive as our non-Indian people because of the years, I suppose, of segregation and, as a result, when they go to a firm and ask for work, and they are turned down in one or two places, they are discouraged and go back to the reserve. In many cases they end up as drunkards; and that is my observation. That is the way I see it.

What Mr. Walkem was trying to tell you a few minutes ago, his particular area, his surroundings and reserves are interested in agriculture, and I can back that up. I know his people go in for cattle raising and they have not range land, and that is what he wishes to get for his people, if this committee would recommend the extension of reserves into the place where he ranges his cattle. He foresees the day when non-Indians will buy up these ranges, and then Indian people will be left with no ranges whatsoever.

You would have to see the conditions under which he has to live to be able to know what their problems are in respect of grazing lands.

I would like to elaborate a little further, if I may, in respect of the next part of the brief. I shall not read it, I just want to elaborate.

THE CHAIRMAN: Are you going on to another section?

Mr. MANUEL: No, it is on the same line but it is a different brief.

Mrs. MUSSELL: A different area?

Mr. MANUEL: It is on page 12. "The Kamloop-Shuswap area submits this sub-brief for their districts".

As I said before, many reservations in interior British Columbia are not sufficient for many Indians. I presume it was the work at that time for the McKenna-McBride commission, perhaps they overlooked some bands and gave them small reservations, but there are so many in interior British Columbia who have quite large reservations and these reservations are laying idle today.

As the hon. gentleman said over there, some of the Indians do not seem to be interested in agriculture. That is quite correct. Many of them have gone to the logging camps, which is seasonal work, but the big problem of our Indians who are not farming is not because they do not want to farm. The cost of farming today is quite high and they cannot get the financial backing to be able to get started in farming, or they are not trained to farm the land, like the non-Indians are trained to farm or run their land.

There is a difference there. In fact, in British Columbia, it is a pretty small farm operation and I can use as an example, a farm of the Veterans Land Act projects there in respect of agriculture. These men have to go out in the logging camps to be able to pay for that land to the V.L.A.

Farming in British Columbia is not as good as in the prairies because they have small plots to farm. The big attraction is therefore in the woods when the wood industry was very good and the price of lumber was good and everything was moving. But today lumbering has gone out and the Indian is practically left without a job.

The economic status of the world and the country is changing so fast for the Indians. You are moving up. There is too much of a gap between the Indians' status and the non-Indians' status.

You are in a free world now. We are still the same as you were about 100 years ago—50 to 100 years ago. A lot of us still use horses on the farm, and you will see horses going down the road.

Senator HORNER: I think you are lucky.

Mr. MANUEL: Our Indian people are beginning to realize they want to live like anybody else. They realize there are luxuries such as televisions, washing machines, electric stoves and so on. Our women want to put the roast in the oven, push a button and have it cooked like your women. All we want is for them to be given that opportunity. Our people have proven in two world wars that they made the supreme sacrifice and they feel if, given a chance in respect of business, they will be able to handle themselves just as well as anybody else.

Now, in British Columbia the second biggest industry is tourism. We have some wonderful lake frontages along our reservations up into the Douglas lake, up in the northern country. There are quite a few opportunities for guiding and Indians make good guides but they have not the money to start in business nor have they the business training or the business background which your ancestors have had for centuries, and we are just beginning to realize these things; just beginning to learn. We have to have training along these lines.

We are not here to beg you for any money nor to beg you for anything. We are only here to ask for help through the loan system, which could help build tourist camps, gas stations, stores and what-not, where it is suitable. In some urbanized territories, such as Kamloops, Penticton, north Vancouver and Chilliwack and such types of places, and as well along lakes fronting on many of our reserves in British Columbia, the non-Indian businessmen are starting to get into our reservations and make a successful business of tourism. They are building different types of resorts.

Why can you not finance us, why cannot the government finance us and hire a trained economist or a businessman in that line to manage this business, under the government finances. Then, when a business starts making a profit, the money can be turned back gradually? Then we could solve many of these social problems which are arising alarmingly amongst our native people. We were the original inhabitants of this country. Millions of dollars have been realized by businessmen from the natural resources of this country. Immigrants come over from Europe and make a success of business, make thousands, millions of dollars out of this country; yet we are the original inhabitants and are left with nothing. We have to beg; we have to get on our knees to beg for social welfare, to be able to survive.

Mr. McQUILLAN: Mr. Chairman, a question I was asking in regard to agriculture was prompted by my memories.

I know British Columbia very well. I think I probably know British Columbia better than any of the delegates who are here. Forty years ago the Indian was not in competition with mechanized farming in agriculture. He had the same opportunities as the white man, but he did not seem to be interested in it. I have a doubt—and that doubt is expressed in some of the writings such as the Hawthorn report—that the Indian is particularly interested in agriculture. That is the point I was getting at, that perhaps there is a small number of them and there is room for a small number of them on their own lands at present. But I think one of the problems is that there are too many who are trying to farm on too small an area. They are trying to farm, perhaps, because of not wanting to go out into the world and compete with the white man in other fields of endeavour.

I do not think there is any prejudice, that I have ever known, against hiring a skilled Indian, as against hiring any other skilled man in the forest industry. I hire a number of them myself. I think the most expensive machine we have in our operation cost something over \$112,000, and that is operated by an Indian, very successfully.

I think perhaps that is the basic problem, that too many are trying to live in these reserves and eke out a very poor living from agriculture.

Mrs. MUSSELL: May I just say something in that respect?

The VICE-CHAIRMAN: Yes, Mrs. Mussell?

Mrs. MUSSELL: I agree with Mr. McQuillan in that respect, that the Indian is afraid to compete in the competitive world outside the reserve. This is quite true; he is afraid. He is not in a position to compete because of lack of education. These reserves have become a haven, away from society, because he is not capable of being fitted into society as it is today for the Indian. Until we can educate the Indian—and it is a gradual process and this takes time—and fit him for society, then, only then, can we hope the Indian will leave the reserve and, maybe, some day not too long away from now, if it is feasible or possible, then we will have no reserves. But this is not something you can force on the Indian, when he is not ready for it.

I notice, for the committee's attention too, that the youngsters today, who are getting an education, to a certain extent, are leaving the reserves because there is nothing on the reserves for them. They are mingling and are making a place for themselves in the world outside the reserves. But I do not think we can hope for the parents of today and the grandparents to leave the reserves and compete with the mad world, as it is today, or, as we call it, our society. It is like throwing a lamb to the wolves.

Mr. MCQUILLAN: There is something in this brief that came to my attention:

That is, as a group, we wish to live as Indians with our separate identity, and our traditional way of life.

We take it you are trying to preserve that traditional way of life, for all generations to come?

Mrs. MUSSELL: No, that is misinterpreted, because this is the present, as it is today—until the people are educated to the extent where they can fit into society.

Mr. MCQUILLAN: You say that the life of the Indian was always carefree, which is not so, although it is nice to think that.

Mrs. MUSSELL: I think you have to admit this one thing. Mr. McQuillan, that the society we "enjoy", that the non-Indian "enjoys" has not proven to be what it should be, and people long for the days that used to be.

Senator MACDONALD: Mr. Chairman,—

Mrs. FAIRCLOUGH: I am sorry to interrupt, but I am sure you will forgive me.

For the information of our own members. I have just got word that Mr. Gordon Fraser has just died in his room here.

Senator MACDONALD: My goodness!

Mrs. FAIRCLOUGH: I am sorry to interrupt, but I thought the members of the committee might like to know that.

Senator MACDONALD: Mr. Chairman,—

Mr. HOWARD: I would like to make a comment about the same subject matter as Mr. McQuillan raised and as he was discussing with Mrs. Mussell.

The VICE-CHAIRMAN: You were on the same subject, Senator MacDonald?

Senator MACDONALD: It just could be. I wanted to put a question to the lady there.

Is it your hope that at a future date the Indians would integrate themselves with what we call the white people across Canada?

Mrs. MUSSELL: Yes, I would say, yes; but it is a gradual thing; this is something that cannot be pushed.

Senator MACDONALD: But it will take time?

Mrs. MUSSELL: Yes, it will take time, with education, yes.

Senator MACDONALD: With education and so forth?

Mrs. MUSSELL: Yes.

Mr. HOWARD: Perhaps we are entering into the field of argument over a specific point, in doing this, but I would like to say, as I think Mrs. Mussell has dealt very effectively with the question of the Indian's desire and ability to enter into competition with the non-Indian people: It is quite true there is this inferiority complex which exists, and I think we are to be partly blamed for it, by not giving a full opportunity to those who want to profit from an educational opportunity and not taking action with regard to shutting people off in reserves and looking upon them as some sort of place where they should stay and be isolated from the rest of society. This is the background reason why there may be this feeling of inability to compete today. Because that is a fact, I do not think it is any reason why we should say it is always going to be so, and forget about providing the fullest opportunities, educational and otherwise, for people to compete in any way they like with their non-Indian friends.

Mr. MANUEL: This last portion of the brief, from page 12 to 13, on agriculture, was submitted by Leonard Marchand, a Bachelor of Science in Agriculture. There is a young Indian lad, working with the Department of Agriculture in Kamloops. He has left the reservation and is not enfranchised, or anything like that, and he is still a member of the Okanagan band. He feels like I feel. He works with me in this field of work, trying to find ways and means of trying to improve the living conditions of our people. He is one of those boys who probably will never come back to the reservation to live.

I would just like to answer the honorable gentlemen over here, by saying:

The British Columbia Interior Indians who submit this brief affirm that we wish to keep our chiefs and councillors, our lands and our hereditary privileges of hunting, trapping, and fishing, also our water and grazing rights. That is, as a group, we wish to live as Indians with our separate identity, and our traditional way of life. But we are eager to co-operate with other people of Canada where our mutual interests naturally merge. We believe that this statement, coming from us directly, will clear away any misunderstanding that may exist.

The reason that is in the brief is because of the fact that many of our older chiefs on the reserves in the interior of B.C. heard that members of parliament and senators wished the Indians should be enfranchised and the reservations abolished. They were afraid of that; they were afraid they might end up in the skid rows of Vancouver. They felt that like other minority groups, the Japanese, the Chinese, and so on, they might have a tendency to congregate together in large cities. They were afraid that would happen to them. That is the reason that is in the brief.

Senator HORNER: I would make the comment that not only is that in your brief, but I believe it has been in every brief which has been presented to us. They want to maintain their way of life. I thought possibly that was a mistake, because you have said you are looking forward to getting electricity and living as other people live.

Now you speak about the cost of raising cattle. In many parts of British Columbia the grazing is open the year around and expensive machinery is not required to maintain cattle. You mentioned that one large reserve has no cattle on it at all. I know of many reserves where the grazing is going to waste where there should be cattle.

Mr. MANUEL: There are many Indians today who are not quite ready to step into the white man's world. The Indian would be lost if he went there;

that is the older people. We would like to protect them. A lot of the young people who are prepared to compete in the white man's world have taken that step.

Senator HORNER: I might tell you that had it not been for the Indians in all the western provinces the white man would have had a difficult time to get started. They taught us how to get started in western Canada, and now it might be only fair for us to lend you some help.

Mr. MANUEL: Thank you.

Mr. WALKEM: It is true that the Indians would like to have more education. In a white man's world you have universities for agriculture. You delve right into it and find out what does this and that. I think we should have teachers from our own people. We have some boys, like Leonard Marchand, who has a bachelor of science degree in agriculture, and I have a brother Clarence Walkem who has the same degree. Yet they cannot fit into this wheel which turns in the department. It is men like that we want amongst us. We want educated Indians to come and show us these things.

Senator HORNER: Colonel Jones, perhaps you might repeat what you said earlier.

Mr. JONES: I am not aware of the local problem Mr. Walkem raises; but to repeat what we have said before, we welcome the addition of Indians to our staff. The number of Indians in the Indian affairs branch is increasing each year. We have 116 school teachers alone, and over 100 on the administrative staff. One of them was appointed to be a superintendent of an agency in Saskatchewan last month. All things being equal, and if they are qualified satisfactory to the civil service commission, which does the hiring, we welcome Indians.

Mr. SMALL: Does the pay they would receive in that capacity equal what they would get outside? Probably that is a drawback.

✓ Mrs. FAIRCLOUGH: They get the same as anyone else.

Mr. JONES: I would not want to get involved in the subject of underpaid civil servants.

Mr. SMALL: I am speaking of the person who has a university degree and is going to work on the Indian reserve. The pay would not be commensurate with what he could earn outside.

Mrs. FAIRCLOUGH: These persons are not all in the field; some are here at headquarters.

Mr. MANUEL: In British Columbia we would like to have the statistics as to how many Indian people are working on the staff of the Indian affairs branch.

Mr. JONES: We can give you that.

Mr. MANUEL: I know Mr. Marchand very well, and also Mr. Walkem's brother. They have applied for civil service work and were turned down in B.C. I wonder if the administration in B.C. might be a little different from that in the eastern provinces?

The VICE-CHAIRMAN: Are you referring to the provincial government?

Mr. MANUEL: No. This is the Indian affairs branch.

Mrs. FAIRCLOUGH: The civil service commission operates the same right across Canada.

Mrs. MUSELL: The difficulty is in respect of things like these people being turned down when they apply for a position. It takes a lot of courage for a young Indian, after having had training, even to ask for a job in

the Indian affairs branch. It takes a lot of courage. All the time he self-consciously feels that he will not get the job anyway. When he is turned down that confirms his opinion that people in general are not giving him a chance. This kind of thing disillusiones the Indians for life. They are a very sensitive people. I feel that some preference should be given in the Indian affairs branch, possibly through the field men at first, to try to ease these men into a position. Give them a trial. Why should they have to compete with the experienced military men who seem to invade the offices of the agencies.

Mrs. FAIRCLOUGH: This feeling that the cards are stacked against them is not confined only to Indians.

Mrs. MUSSELL: I think it is more so in their case.

Mrs. FAIRCLOUGH: I know I get a great many letters from people who write me saying they have applied for a job, that they are as good as anybody else, and they ask why they did not get the job.

Mr. MANUEL: I do not like to argue with you, Mrs. Minister, but I think the situation in respect of the Indians is a little different.

Mrs. FAIRCLOUGH: I agree.

Mr. MANUEL: The non-Indian is more aggressive.

Senator HORNER: I would advise you to get over that attitude. If at first you do not succeed, try, try, and try again.

Mr. SMALL: One trait that an Indian does have is courage and aggressiveness.

Mrs. MUSSELL: He used to have; not any more, or not as many.

Senator HORNER: An Indian who handles a canoe on the fast water does not lack courage.

The VICE-CHAIRMAN: Ladies and gentlemen, Colonel Jones has the answer to this question now.

Mr. JONES: We have, in British Columbia, 25 Indians on our staff; 12 teachers, and 13 others. One of our senior officials in head office in Ottawa, is Mr. R. Kelly, son of the Reverend Peter Kelly, from British Columbia.

Mr. WALKEM: Amongst the 13 others, is one of them a field man that would teach agriculture; or is that just staff that work in the offices?

Mr. JONES: Mainly stenographers, caretakers, and administrative staff.

Mr. MANUEL: We have got no men in the field?

Mr. JONES: No; but keep on trying. You are welcome.

Mr. WALKEM: May I add a little more here. I would take you to the state of Washington, across the line, into the Colville agency. There the Indian agents are Indians, and most of their staff are Indians. They have their traffic patrol through that large reservation, possibly stretching 60 by 40 miles in depth, and Indian police. They are encouraging them over there to really stand up on their own feet, by using the Indians within their services. We should have more of that in British Columbia.

Mr. SMALL: I think that should be all over Canada; I think that is the objective.

The VICE-CHAIRMAN: Ladies and gentlemen, we are straying a little from the part of the brief we are supposed to be discussing. I hope you will restrict yourselves to the portion of the brief which we are discussing, and try to finish that before we start another. We have been wandering quite a bit, really, and I have not said anything because it was more or less connected. Did you want to ask a question, Mr. Henderson?

Mr. HENDERSON: I would like to make a statement. What these people say is absolutely true. I understand why the Indian is backward, because there

is the difference at Dawson Creek, which is my biggest city. If you go in a big cooperative store there, there are no Indians, although there are many Indians working around there. But they would not hire one of them. They would hire Czechoslovakians, or some other breed. You have got to be able to speak German to talk to the clerks there.

This is one of the biggest stores in Dawson Creek. Yet there are some Indian girls, stenographers, working there in the lumber lay-outs; and the man there, Gordon Moore, who has one of the biggest outfits in the country, makes a point of hiring Indians, because he has found them to be really good workers. But these other people, you have got to be a German, a Dutchman, a Frenchman, or something else, to get a job.

Senator MACDONALD: Mr. Chairman, I want to be excused: I have got to attend a steering committee in the parliamentary library.

The VICE-CHAIRMAN: If you will just wait for a moment or so, senator, until we get a replacement. We have sent out for a replacement for you.

Senator MACDONALD: If you count the minister there—

Mrs. FAIRCLOUGH: I am not a member of the committee: you cannot count me, unfortunately.

The VICE-CHAIRMAN: Would you stay for a few minutes, and I am sure there will be a replacement for you, senator, so that we can continue.

Mr. MCQUILLAN: I would like to ask one more question, Mr. Chairman.

The VICE-CHAIRMAN: Is it on agriculture?

Mr. MCQUILLAN: It is on this point. Do the witnesses agree that the whole problem, in a nutshell, is lack of education, integrated education. If the Indian child goes to school and grows up with white children, and realizes that he or she can compete with them scholastically and is just as bright and smart as they are, will that not give them confidence to go out and establish themselves in the world?

Mrs. MUSSELL: I think you are partially right. But we must not overlook the fact that the adjustment period is not going to be reached quickly. This child gets an education; he receives schooling with the white children in an integrated school and establishes himself as an average student, compared with the white child. But he is going to have to make a terrific adjustment; and emotionally, perhaps, he will not make the best parent for his children.

In the course of time, I think this would be correct; but as far as this first generation is concerned, that school child is not going to make a complete adjustment in his life.

Mr. MANUEL: Just as Mrs. Mussell says, education is going to solve some of our problems. It is definitely going to do that. We appreciate the fact of what the government is doing for our Indian people, giving us the opportunity for education.

I think that is in the minds of a good many Indians, that they appreciate that fact. But we do not feel that education is only in schools; we feel we have many people who want to live a good many years yet on the reservations, who need to be educated in industrial business, industrial developments there. For instance, in the interior of British Columbia a lot of industries, as I said, are going into our reservations. If it is not possible for the government to finance industries on the reservations, on that basis, then specifically make a ruling, or policy, where they hire Indians and train them in the field of work the industry is in that is leasing in the reservation.

At the present time there is nothing. The only place the Indian fits into is as a labourer in a sawmill or in a camp in the interior. In the northern interior there are some cab drivers and sawyers for sawmills; but in the central

interior there is nothing of that sort. You will find there is nothing but Indian labourers. I think they are capable of learning, if they are given a chance. When an industry starts on a reservation, it should be laid down that the Indian is hired there and trained along those lines.

The VICE-CHAIRMAN: Ladies and gentlemen, we have had quite a long discussion on this part. I wonder if we could proceed to the next section.

Mr. SMALL: The only thing is, Mr. Walkem, when he first started to talk introduced the subject in regard to the matter of grazing; they did not have enough property to graze their cattle on. He went into the story, or made the statement, that they were trying to get around that; their transition was from the nomadic life and they were put in what could be called compounds, or concentration camps, and asked to live there. The property they were given there was to take care of fishing and hunting, and the matter of grazing did not enter into the picture at the time they were given the reservation in Canada.

He mentioned that in the United States they had been given grazing land. Then he brought up the matter of irrigation also.

If you take the society, or the organization that they developed themselves, it was a different thing to what they have found in Canada. Take the Utes, for example. The Shastas, and many other tribes there. They were all brought up in an organization and culture that they had to put in irrigation of their own, because they were living in dry areas—the Utes, Hopis, Apaches, and so on. That was their existence; they had to have irrigation in order to live.

Where you get into the land of the Crows, the Sioux, Cheyenes, Pawnees, and those people a little further east, they did have grazing for their cattle. But in Canada, where they lived a nomadic life, they did not graze so many cattle, because they were on the move all the time and it was a different area in which they lived. Then they were asked to go on a reservation which was more or less, you might call it, a glorified concentration camp, to live and make their existence. Then we come to the problem of the old die-hard, that you will find in every race of civilization. They are probably asking to educate them into something they do not want, or something to which they could not adjust themselves.

So, you have to carry your culture right down, and maintain those people on the reservations, while you are educating two or three generations of younger people. The transition will be slow, and that is the problem. It is not a question of treating them as though they were different. It is similar as in the case when one country goes in and invades another, and takes over certain sections of it—as, in Germany, where they took over the Sudetans. They were absorbed into the community, and accepted as such. They carried on. There was not any change in the culture.

I think Father Renaud brought the matter up that the culture was the main thing that had to be maintained, that there had not been any research work done, and that was the deficiency which was found in Indian life. It is going to take years to do it. Trying to get the Indian more territory now, on which to graze his cattle, is something that is new, or extraneous to his way of life, because he never carried cattle, as he was on the move so much. I think that is the problem that Mr. Walkem brought up. They are educating lads now in husbandry, agriculture and so on—educating them in geology, and things of that nature, so that they will be equipped for modern day life. However, the question is: how are you going to take care of the older people and the in-between people. That is our problem.

Mr. MANUEL: We all are not going to be geologists, doctors, and so on; we have to have some farmers among our Indians. And, not only that, as the so-called glorified concentration camp—

The VICE-CHAIRMAN: Nobody referred to it as that.

Mr. SMALL: I said they were, more or less, glorified concentration points. Those are the words I used.

Mr. MANUEL: What is the fear? I notice, in reading the evidence before, that they seem to rather want to discontinue the reservations. I think that thought is in the minds of many non-Indian people.

Mr. HENDERSON: I disagree with you; I think that is a wrong statement.

Mr. MANUEL: We want to industrialize the Indian reservations, so we can be part of the economy of the country. At the present time, they are industrializing it, but it is the capital of the white man and non-Indian. Why could it not be us? Why could we not share in the wealth of the country? We want to live as well as you.

Senator HORNER: Where you have oil, you do share.

Mr. SMALL: The subject of tourist camps and the loaning of money was mentioned. We have the same problem in Ontario. They want the government to finance them in establishing tourist camps. However, there is a good reason why they cannot get money loaned to them for that purpose. They are asking the government to do it. The same thing applies to the reservation. It has to be economically sound, in order to establish an industry. There have to be markets, and all those things come into it.

Mr. MANUEL: That is all very well. However, I feel that the government spends quite a sum of money, anyway, in social welfare systems. If the government could take a chance, and contribute towards industrialization of that sort, in time the Indians would be a self-supporting nation. Is that what the people are afraid of—that the Indians will be a self-supporting nation?

Mr. SMALL: No.

The VICE-CHAIRMAN: Ladies and gentlemen, we are wandering all over the map at the present time. We are supposed to be on "reserves", I believe.

Mr. SMALL: I mentioned that because he mentioned something about grazing, farming and so on.

The VICE-CHAIRMAN: I would ask you to please keep to the subject. In that way we will have a more orderly debate and, when it is finished, we will pass on to the next paragraph.

Senator HORNER: I would like to say this. You have plenty of men. If you have the lake and the tourist facilities, you are in a good position. There is where you want the courage to ask for a loan from the government. Put your proposition forward and, I have no doubt, but what it could be arranged. If you have the facilities—the ideal location, you should put your proposition forward. You have many advantages which we have not because if it is on your reserve, you make a lot of money and do not pay any income tax.

Mrs. MUSSELL: In attending these meetings, and listening to the Indian people of the interior, it comes to mind that, in respect to getting help in having businesses on their reserves, such as tourist—say, motels, and that sort of thing, and stores, if the government would find it feasible—and I say the word "feasible"; it has been repeated a million times—to advance the money and give them a loan to start a store in some area, or some particular area, have this under the supervision of a qualified store manager, but staff it with Indians, and train these Indians as clerks, train them in taking charge of the responsibilities and the inner workings of this store—the actual labour part, to begin with, and work up to the position where, some time in the future, he can himself, take control and charge of this store. They want training. They require training and education in some field, some work, and this is the same idea in reference to motels.

Senator HORNER: You will soon become aware of the political difficulty there, because of the competition. Perhaps, you will be running competition to a business man outside the reserve. That is why I say the Indians would have to band together, and to prove that they are capable of carrying on. Then, at that time, the same as any other people do, they could go to the bank, or wherever they can, for money. Arrange a repayment plan, and pay off the loan. That would be much better than putting in a store manager, who would derive all the benefit. I know that many are capable of running their own businesses.

Mr. SMALL: I think there is such a store as that on the Six Nations reserve, in Oshwegan. I believe there is one there, which is run by the Indians themselves.

The VICE-CHAIRMAN: Yes, and there are some Indians, across this country, who are much wealthier than I am.

Mr. SMALL: Some of them run a very prosperous business.

Senator HORNER: I have not any doubt in the world that they could manage, in many cases.

Mr. McQUILLAN: I would like to correct an impression that one of the witnesses has. Nobody in this committee has suggested that the Indians be pushed off the reserves holus-bolus. However, I—and I am sure the other members of the committee do as well—feel that if the Indians are going to progress, a great number of them are going to have to leave the reserve. My desire is to see them equipped, when they leave the reserve, and to take their place as Canadians with the rest of the people. However, I never heard anyone here ever suggest that the reserves be taken away from the Indians, or that they be pushed off the reserves.

Mr. SMALL: I think that was the stated policy that was made previously. However, the main purpose was that, having left the reserve, and not having adjusted to the white man's way of life, they were free at any time to return to their reserve.

Mr. MANUEL: Thank you, honourable member, for clarifying that.

The VICE-CHAIRMAN: The next item is alcohol.

Mr. MANUEL: It is set out at page 14.

Mr. Chairman, ladies and gentlemen. This has always been a sort of a problem between the non-Indian people and the Indian people in British Columbia, that we are not privileged to purchase liquor like any other—

Mr. SMALL: Individual.

Mr. MANUEL: —Individual, in British Columbia anyway.

It is getting to a point where there are a lot of Marchands, like the boy who is working for the Department of Agriculture, and there is getting to be a lot of that policy of integration now.

We feel that integration will never be complete until the restrictive liquor laws are lifted. That is the way we feel in British Columbia.

I attended a fish and game convention recently in British Columbia where liquor was served. I found myself in a very embarrassing position. They wanted to serve me liquor, but they knew if they did so they would be breaking the law and when they handed me one, I did not know whether to say yes or no.

Mr. SMALL: You should not hesitate.

Mr. MANUEL: That is the problem which arises many times when Indians try to integrate. The Indian immediately feels segregated whenever that problem comes up, and it is one that has put me in a very embarrassing position.

In British Columbia we feel that this committee should recommend that sections 93 to 96 be abolished. We know a lot of Indians do buy bootlegged stuff. I have been in areas where they paid \$30 for a bottle of whiskey, and \$40 for a Chilkooten mickey. Out in my country that means a gallon of wine.

Now these people out in those areas think nothing of getting liquor from bootleggers. They do this because they are restricted. They would even steal it. It is stated here in one of the paragraphs that an Indian is taught to steal. When the young man from Saskatchewan was giving evidence here yesterday, he was speaking about Indians having to act sneaky in order to sell wood. That reminded me of the paragraph that the Indian is taught to steal or to sneak because of some of the legislation that has been passed on him. So we hope you will give this good consideration.

Mrs. MUSSELL: It is a discriminating law, which forbids an Indian to purchase or to consume liquor. In British Columbia we had the privilege just recently given to us of going into a beer parlor and consuming beer, but within the parlour itself. We are not allowed to take it outside the beer parlour or to the reserve or to drink it in the vicinity, but only in the beer parlor itself.

Because of this, I think that Indian people—I think the section on alcohol covers this quite thoroughly, but I wish to add to it—I do not think Indian people are any more prone to drink than white people. But the very fact, because this is limited to them, they may enter a beer parlor in the early morning only to leave late at night, quite saturated of course with liquor. And there is no reason, when the Indian comes out of the beer parlor, for the police to go and pick him up for being intoxicated. He is on his way home to the reserve—a distance of approximately one mile; yet before he reaches the boundary of the reserve, he may be picked up and jailed because he is intoxicated. But he is only on his way home, and he is not causing a commotion.

It has always interested me why so many of our Indian people have been termed as repeater offenders, and especially our women. So I made it a point to visit the women section of the Oakalla jail and I found that the figures were quite true; that ten per cent of the male inmates and 40 per cent of the female inmates are Indian, and that 90 per cent of them are there just because of liquor infractions.

If a white man was met in the same situation, he would not be charged. He would not even be arrested in the beginning. But because it may be an Indian, he is therefore sent to jail.

It has been proven that at Oakalla the Indians are very docile and co-operative, and make model prisoners. The matron of the women section at Oakalla said to me that the Indian women were too docile, they were too willing. They lack spirit to fight back or stick up for themselves. She felt that it was an emotional problem among the Indian people.

I think that as long as liquor is forbidden to the Indians, and as long as the laws are not equalized, then more and more of our Indian people are going to be put in jail, all because they are Indians.

Senator HORNER: I recall that at a former joint committee I received considerable condemnation for recommending that Indians be treated in the same way as others. I remember talking to the Rev. Peter Kelly who said that in his experience he found that Indians did not differ from white men, and that if an Indian were a drinking man, he would get his liquor anyway.

And from my own observations out in the west, I think unfortunately they get bad liquor, perhaps something manufactured of poisonous stuff, for which they have to pay higher prices. So my advice would be to them to stay away from it altogether. Then if they should go to a banquet, they might accept juice or something which would be better. But their right to take it, I maintain, should be permitted.

Mr. HOWARD: I think that Senator Horner has pretty well expressed the thoughts that I had. I think it is an absolute disgrace the way the liquor laws have been applied to Indians. For my money, they should be changed, and everybody should be in the same boat.

I wonder if I might pass on a suggestion that we remove sections 93 to 96, and 96 (a)—anyway, the sections in the law dealing with liquor, which would leave it entirely in the hands of the province to decide whether or not they should have liquor—because liquor is a provincial matter.

As the act stands now—this will take a little explanation, and undoubtedly the delegates are familiar with it—but as the act stands now, there are four alternatives: one is complete prohibition, that is, no right whatsoever to have or to consume liquor.

The next alternative is the right to consume liquor in public places; and that is what exists in British Columbia at the moment.

The third alternative is the right, in addition to the former alternative, to be in possession of liquor in the province, but not on a reserve; I repeat, in the province, but not on the reserve, which would mean that the Indian would not be doing something illegal if he came into my home and had a drink in my house, or if he had a house which was off the reserve, when he would be in a position to have liquor there.

The fourth alternative is to have it complete and wide open. When this question was posed to Attorney General Bonner of British Columbia, he said it was the responsibility of the Indians themselves to express whether or not they wanted to have liquor on the reserve, and that it was outside of his jurisdiction to do anything about it.

But I take issue with Attorney General Bonner there. I think he is away off base in that attitude. There is another part of the act which says you cannot have liquor on a reserve unless you have the right to have it in the province. This can, however, be bypassed, if the band council by resolution requests the right to have liquor on the reserve.

I suppose the Minister of Citizenship and Immigration without any intermediary step could transmit this idea to the attorney general, and ask him to decide whether or not he will allow it. I think the decision at the moment is in the hands of the province to decide whether or not you have the right to have it in the province, and that this step of the band council does not have any effect on Attorney General Bonner and the provincial government with respect to having to make a decision as to whether or not the Indian should have full liquor rights.

I think this is one way of forcing the provincial government, because in British Columbia the attorney general takes the view that it is entirely not his place, but that it is rather entirely in the hands of the people themselves to decide.

This is merely a suggestion I am raising, and perhaps you might consider talking to the minister, and withholding any action at the moment until such time as the committee might get around to recommending something as part of the Indian Act.

Mr. MANUEL: Thank you.

Mr. SMALL: Brigadier O. M. Martin, an Indian himself, was giving evidence before the Ontario government committee on Indian affairs, and he submitted evidence like that and said, "You bar an Indian from having liquor and you drive him in to the bootlegger to buy it, and then he pays high prices for cheap swamp liquor that is not fit for man or animal to drink. You make it contraband, and the moment you make anything contraband you drive them out to buy it." He could not take it onto the reservation.

Mr. HOWARD: In Ontario?

Mr. SMALL: Yes.

Mr. HOWARD: There are a number of reserves in Ontario, by recent proclamation, where they have had a vote and have the right to have liquor on the reserves. Perhaps Mr. Jones would have some statistical information on that.

Mr. MANUEL: I want to thank you, Mr. Howard, for that information.

Mr. JONES: Actually there are 30 or 32 bands and reserves in Ontario who have the right to buy liquor, take it home, consume it and have possession on the reserve.

As a matter of interest to the committee, since these bands have had this right in Ontario I am not aware of one incident through the misuse of liquor.

Mr. McQUILLAN: Do I take it that the Indian Act does not bar the Indians from having liquor, if they wish it by an election or general plebiscite?

The CHAIRMAN: There is nothing in the Indian Act itself that would bar them. When the provinces will cooperate with the department it is possible for them to have it. Am I right in saying that?

Mr. JONES: Mr. Howard accurately described the ramifications of the sections dealing with liquor in the Indian Act. Ontario has taken action progressively. The first step was to have a proclamation giving authority to consume liquor in public places. Then they requested the next step and another proclamation was issued by the governor in council, and then it becomes a matter for the different reserves to vote if they wish it.

Mrs. MUSSELL: Am I to understand that sections 93 to 96 first have to be deleted from the Indian Act by the federal government? I am wondering where that points us in the Indian Act, sections 93 to 96A?

Mr. JONES: The effect of sections 93 to 96A is that the Indians anywhere can have liquor if they want it on the reserves, if the provincial authorities want them to have it off reserves. It is really in the hands of the province.

Mr. SMALL: Of course in the province of Ontario there is the Ontario Temperance Act, and if they want to be temperance they vote what they call local option; and that applies to the reserves the same as it does to any other community. If they wanted to put out they would take a vote on it under the local option bill.

Mr. JONES: I think the idea was when they were making this amendment was that liquor should not be forced on any group of Indians against their wishes, so they felt the local option system, through referendum, would decide which bands wanted it on their reserves and it would not stop other Indians in a province from having the privilege.

Mrs. MUSSELL: May I add a little more to my information as to the Indians being repeated offenders, when it comes to going into Oakalla prison. I think you would be interested too in my information in respect of the attitude of the Indian people in going to Oakalla or any prison for these infractions. Like I said previously, a lot of people wondered and I wondered a great deal myself just why it was the Indian always mentioned when he was sentenced to prison that the person held in jail had gone for a holiday. I can see now why it is a holiday.

I think perhaps you would agree with me when I tell you this. Knowing the reserves as well as some of the members of the committee at present do, it would be easy for them to understand, I am sure.

Here is an Indian, a woman, sentenced to jail. She may be sentenced for anywhere from ten days to two weeks, or a matter of a few months because of a liquor infraction or other causes, and they have a hut system in Oakalla—

I think maybe some of you know this—and they may be referred to as hut No. 1, hut No. 2, hut No. 3. They are lovely little homes with separate kitchens, electric refrigerators, stoves and cabinets, beautiful little bedroom affairs that may have two or three bunks and are shared with six to a cottage. They cook their own meals, they have clean clothes, clean beds, three wonderful meals a day, and they have the companionship of non-Indians and Indians as well: because when you are in prison like that there is a binding, a sort of feeling of closeness that you do not get in society. So I did not wonder in the slightest when I left there why the Indian did not mind going to jail.

I then said to a group of Indian girls, five in one hut, after having a rather lengthy conversation with them, when I turned around to leave, "You girls don't mind being here, it is better than home." "Yes", they said, "it is better than home." Because what have they in their reservation—dismal, dreary things they call houses, no recreational facilities at all. The only comfort they obtain in life they find in prison.

Mr. SMALL: It is a wonder more do not go to drink, then.

The CHAIRMAN: Are those all the questions on alcohol, ladies and gentlemen?

Education. We had a bit of a discussion on education a few minutes ago.

Mr. SMALL: It was all mixed up with the other.

The CHAIRMAN: I do not know if you have anything to add to the brief here, but we have a considerable amount to go through yet and it is just 5 o'clock now. If there are any questions you would like to ask—

Mr. SMALL: I think this is much the same as the one we had yesterday, along the same lines, and we all pretty well agreed that something should be done.

Mr. MANUEL: In respect of residential schools, if I may, Mr. Chairman.

The CHAIRMAN: Yes.

Mr. MANUEL: In respect of residential schools in British Columbia many of our young people are still attending residential schools in a lot of isolated areas, such as the Chilcotins. A lot of Indian children—I think I was given a figure of 40 to 50—in Chilcotin, miss school because of the overcrowding in the residential school. I just want to elaborate a little and point this out to you. They have a day school in what they call Redstone, I think it was, up in the Chilcotins. They have a teacher there who had never had any teacher's qualifications whatever, but I can understand the situation because it was so isolated there. The Indian children who were attending that day school had no connection with non-Indian people whatever except the teacher.

These native people have to go up into the hills to make hay up into the meadows 40 miles away from where the department have built their house close to the school in a village form, and some old lady or old man stays there to look after the children so they can attend school. Some of this neglect is a result of going up with the parents into the hay meadows, and in cases maybe where they do not have any kin to look after the children.

In the Fort St. James area and in the Fort Babine area the same situation exists because they are isolated areas—overcrowding of the Lejac residential school. I was speaking to the Indian superintendent on my tour through the reserves there and he told me that the school was overcrowded in Lejac and between 30 and 40 children did not attend school. They have a modern day school which was built about a year ago, which cost quite a sum of money, I suppose, at Fort Babine, but it was so isolated they could not get a teacher last year to go in there. As a result the children did not attend school. They are building an integrated school at Burns lake, and all those children are

going to be attending school at Burns lake. So the school there will be of no use. The Indians themselves are moving out from that area. The same situation exists in Fort St. James. Many of our children in the reserves at Portage and Tachi are forced to move in to Fort St. James, to an integrated school there, because they could not send them to a residential school. It is not that they do not want to send their children to the residential school. I think an integrated school is one of the finest things, but some people are not in a position to do it yet. This puts them in a very deplorable position, when they are forced to do these things. The children suffer as well as the parents. My children have never been to an Indian school in their lives, and I am quite satisfied with them; but I am talking for people who are not ready or are not able to send their children there. These are parents with children in the remote areas, who should have their children in residential schools. Many of our people are sending their children to public schools and they are all right, but we still have room for residential grants, and there should be some appropriation made to enlarge some of the schools, where necessary, and bring up to date the facilities which are in these residential schools, which are way behind the times. I have visited pretty well all the residential schools in the interior of British Columbia.

The VICE-CHAIRMAN: I wonder if you have anything to say on that, Colonel Jones?

Mr. JONES: I really have not very much, Mr. Chairman. We are doing our best to catch up with the shortage of classroom accommodation across the dominion. There could be a case where a school did not operate for a term, due to the lack of a teacher. I think when we started last fall, by the end of September we were short 28 teachers out of 1,300. I think those figures will stand up very well with any province or municipality. It is difficult to recruit teachers. As for residential schools, I think all the residential schools are full to capacity. We have more children going to integrated day schools in B.C. than in any other province. We in the branch feel the integrated school program has been a tremendous success.

I am sure the delegates know of the large new residential school being built at Mission, at a cost of well over \$1 million. But so far as the integrated program is concerned, we feel it has been a big success, but I would not attempt to say for a minute we have school facilities available for every Indian child in B.C. of school age. We are doing our best to catch up on our construction program.

Mr. HOWARD: I wonder if I might ask Colonel Jones a question?

Last year, when this committee was meeting, Colonel Jones gave us some information about the number of integrated schools that existed, the number of children going to integrated schools. He indicated that British Columbia had by far the largest number.

I wonder if he is able to tell us whether since that time, there has been any marked increase, or any increase at all, the agreements with school boards or parochial school organizations for an increased number of children, or increased agreements in British Columbia since last year?

Mr. JONES: In British Columbia alone?

Mr. HOWARD: And perhaps other provinces too. It might be well to bring the committee up to date.

Mr. JONES: I had figures for Saskatchewan yesterday, which nobody asked me for. We have entered into four joint arrangements in Saskatchewan alone since last year.

We had thirty agreements in B.C. up to March 31, 1959, and five more were completed up to March 31 this year, making a total of 35.

Senator HORNER: In British Columbia?

Mr. JONES: Yes, this is in British Columbia.

Senator HORNER: If you have the figures for Saskatchewan, I notice the president of the federation is still here, and he might be interested to hear them.

Mr. JONES: Six in Saskatchewan and four newly completed ones last year, at the year ending March 31, 1960, making a total of ten.

Mr. McQUILLAN: Could Colonel Jones say what percentage that is of the total school districts in British Columbia? I think there are something like 74 or 75, in that neighbourhood. You have agreements with approximately half of them now, would you say?

Mr. JONES: Yes, these are joint agreements. Of course, there are other areas where we do not contribute to the capital costs of a school, but if there is classroom accommodation available there is no agreement; we just pay the tuition fees.

The VICE-CHAIRMAN: Can we go on with the next section, adult education, page 18?

Mrs. MUSSELL: Before we go into that may I elaborate a little further?

The VICE-CHAIRMAN: Yes, Mrs. Mussell.

Mrs. MUSSELL: In reference to education, again, with the younger students who have perhaps dropped out of school, say not even quite finishing elementary school and some having, perhaps, Grade 8 or 9, but not sufficient education to be able to qualify to enter an educational training program: It is the wish of the Indians of the interior that some sort of avenue be made open for these past students, that some survey be made and these students be screened and picked out on the different reserves, so they could get vocational and educational training, regardless of the fact they do not qualify because of a year or two's difference in the standard of their education.

We have found among the Indian people that they have great latent ability. Unless we bring this out and give them an opportunity to learn, we feel we are losing great things among the young people of the reserve today. That is because of their lack of furthering their education, when it was impossible for them to do so, for one reason or another.

We find among our reserves, many young girls and boys who could have quite a future and make quite a place for themselves in society if they were given this opportunity.

I was wondering if perhaps the joint committee would be sympathetic and try to see their way clear in making it possible for some of these teen-agers to continue their education, regardless of the fact they have lost a year or two of schooling.

The VICE-CHAIRMAN: Any further questions now?

Mr. HOWARD: This comment, in part, comes from reading parts of the McKenna-McBride royal commission, reported in 1916. This is about the reserve system.

That commission listed quite a bit of information on the individual reserves. Even that long ago there is quite a number of references which the royal commissioners made with respect to the desire and abilities of the Indian people in this field of vocational work. It was suggested, that many years ago, something along this line should be done.

The VICE-CHAIRMAN: Are we ready for adult education now, page 18? Have you any additional comments to make on this, Mr. Manuel, other than saying what is in the brief here?

Mr. MANUEL: I am not too familiar with that.

Mrs. MUSSELL: If I may comment, please?

The VICE-CHAIRMAN: Yes, Mrs. Mussell?

Mrs. MUSSELL: In elaborating a little further on adult education: When the Indians of the interior of British Columbia asked us to add this to the section headed "Education", it was with the feeling in their hearts that they wanted to obtain perhaps even a very small education, even just to the extent of being able to write their signature on a cheque. It is very common among the Indians in the interior where, in order to sign a cheque, they have to mark an "X" because they cannot decypher or even write their own name. It is quite common among Indians of the interior, if you were to direct them, say, to go to T. Eaton and Company, or any other store, they cannot tell the store by the sign in front of the building; they do not know this is the company. It is very embarrassing, and these people are dignified and very proud. It hurts them because they cannot do this. They ask for this, even if the education is limited to the extent of only being able to read and write their name. They feel too education in films, perhaps, with regard to the rest of the world—

The VICE-CHAIRMAN: By movies, do you mean?

Mrs. MUSSELL: Yes, by movies, and one thing and another—by these means they could be educated to some extent. They do want education. It is remarkable when you see elderly men, even elderly chiefs, who will stand up, almost in tears, and beg for education. I believe in the interior there has been an adult education program started, in around the Mt. Currie reserve; and one, just recently, further in the interior on a very small scale. Those attending the classes are very thrilled with the classes, but I think they should be extended even further, with the help of the department.

Senator MACDONALD: I would like to ask the lady: Going back many years ago, did you have such things as industrial schools in the interior of British Columbia?

Mrs. MUSSELL: Not in the interior. I believe I am correct in saying that the only industrial school was run under the name of the Kuper Island school, and was referred to as an industrial school.

Mr. HENDERSON: St. Georges.

Mr. MANUEL: I am thinking of schools which were called industrial schools and that is the so-called residential school now—it later was changed to residential school. Speaking from my experience there was no training given in the schools.

Mr. HENDERSON: No technical schools.

Mr. MANUEL: No technical schools. They were just called industrial schools for a short time, and then it was changed over to residential schools.

Senator HORNER: I remember many years ago, an Irishman working for me and he was a splendid talker, and talked of world events, and I had no idea that he had no education.

When I went to pay him by cheque he did not want to take a cheque. I said, "Take a cheque and anybody will cash it in town." He was very insistent I pay him the cash. I realized when my cheque was returned that he had signed his name with an "X". I felt very sorry I had forced him to do it, but I had no idea the man had no education.

Mr. JONES: I would like to get on record something in relation to the point Mrs. Mussell raised about adult education.

Wherever a group of Indians wish to have adult education classes, and request them from the branch, we will supply them. The branch does not seek out groups of Indians deliberately, to sell them on the idea of adult education. We feel that is wrong in principle; but there are many adult education courses going on where Indians have requested them.

If you will take back to your groups this message, that if they indicate they really want adult education classes, we will supply them.

Senator HORNER: That is very true, because if they are not interested enough to ask for them, they might not be interested enough to take any part in them.

Mrs. MUSSELL: I believe the people of the interior never realized this was available through the department.

The VICE-CHAIRMAN: The next item is housing.

Mr. SMALL: This is much the same as has been put forward by the Indians from the other reservations.

The VICE-CHAIRMAN: As I said this morning, all these matters have been taken up with the previous delegations. If we could just limit our questions to something which is brought up which is different from that brought out by previous delegations it would facilitate our proceedings.

Mr. SMALL: But the witnesses would not know what has been brought up previously.

The VICE-CHAIRMAN: I am addressing myself to the members who ask the questions.

Mr. Manuel, would you proceed.

Mr. MANUEL: Mr. Chairman and hon. gentlemen, I appreciate what the Indian affairs branch is doing for us by building all the houses in the interior of British Columbia and in British Columbia generally. We realize they are doing the best they can. We realize it is through a shortage of funds that more Indian houses are not built yet. As I stated before I have visited reservations which are in a very deplorable condition, at Mount Currie and up in the northern country. However, the Indians in the more urbanized areas are beginning to realize the necessity of having a better home than the free housing which is now available through the Indian affairs branch, and the housing financed through the band funds.

I believe it is still necessary to have this free housing, but a large number of Indians—I do not say all of them—would like to be able to build their own homes through loans. They wish to have the money made available for this, which they can pay for over a long period of 20 or 30 years with a small payment of \$20 or \$30 a month which they would be able to pay from the wages they earn. When we try to borrow money from the revolving fund—this has nothing to do with the revolving fund, but I am using it as an example—the first thing the superintendent asks us is "How much are you people making?". The largest wage I know of in the interior is about \$300 a month, and there is only a very small number earning that much. The income is around \$200 or \$250, and it is only seasonal for six months of the year. The rest of the year they live on unemployment insurance or social assistance.

The point is that the Indian will not be capable, at this time, to pay an amount equal to what a non-Indian would pay towards a home, but at the same time the Indian feels he should contribute towards his home and build it the way he wants it like his non-Indian neighbours close by, so that the reserve would not have that segregated look. It is the wish of the Indians that this honourable committee give this matter strong consideration. That is about all I have to say in that regard.

Mrs. MUSSELL: Mind you, those who are interested in having a better home are the progressive type of Indian. This type of Indian feels he wants something better for his family, and is willing to work for it. The Indian, however, cannot borrow money from the bank. There are no housing loans available to him. He would like a fund to be set aside for that purpose. He feels

that if he could pay for this home he would feel like a more responsible person. He feels that the house would be kept up better, that he would have more interest in the care and upkeep of his home. The present feeling of the Indian people, when the government owns the house, is "What is the use of my fixing it up". They have no interest in their home whatsoever, and it gets from bad to worse.

I feel that these people who make the application for this type of loan will be those willing to commit themselves, because they are responsible people and feel they can do it, provided they have a long period of time to repay this loan.

Senator HORNER: It might have a general effect on the ambition of the whole reserve?

Mrs. MUSSELL: That is right.

Senator HORNER: And it might also save in the health care afterwards?

Mrs. MUSSELL: Yes.

The VICE-CHAIRMAN: Are there any more questions on that?

Mr. MANUEL: I would like to say just a couple of words more, Mr. Chairman. I find, from observation and experience in my travels through all the reservations I have covered, that Indians are copiers. I have been in different reservations, and if an Indian goes into cattle and is doing well for himself, all the rest of them are trying the same thing.

The VICE-CHAIRMAN: That does not only apply to Indians, I can assure you.

Mr. MANUEL: And if they are going into some type of little business, all the rest of them are trying for that too. In this respect, maybe it would be a good thing for the native people, if they see one person with a good home, running water, and everything else, and all the facilities of it. Maybe that will create the aggressiveness that they require.

The VICE-CHAIRMAN: You have some Joneses among your people too, I see.

Mrs. MUSSELL: Yes.

The VICE-CHAIRMAN: The federal vote: I assume you know now that you have the federal vote?

Mr. MANUEL: Yes.

The VICE-CHAIRMAN: Without losing any of your rights. So we can pass over that one. Health services: have you anything to add to what is here now, Mr. Manuel?

Mr. MANUEL: Mr. Chairman, honourable gentlemen: the death rate among Indians as particularly high before 1945. Infant mortality was exceptionally high in those years. For the first time, at that time \$17,000,000 was budgeted for Indian health services, and as a result of that the death rate decreased, thanks to the government.

However, due to the Indian health services stressing the necessity for Indians to pay part or all of their own medical expenses, and the rude action some doctors take to enforce this policy, the Indians are not seeking the medical care that they require, because they lack the funds.

This is from experience. It is through this neglect, from my experience as an Indian organizer, that the infant mortality increased in British Columbia. In a report given quite recently by the assistant regional superintendent of Indian health services in British Columbia, he stated that the infant mortality in British Columbia was rising alarmingly again. From my experience in my connections with the department and Indians in different reservations, with

the small earnings they have and the lack of funds, they are not able to afford to pay these medical expenses which they are required to pay.

Their economic status will have to change first, before they are prepared to pay this. You will have to take it down from the bottom. When the Indian can earn enough money, I do not think the Indian is going to argue about paying his own medical expenses.

In a lot of cases, as Colonel Jones has stated, there are teachers employed by the civil service. I think all those families are prepared, are willing, and are paying their medical expenses. Where an Indian makes sufficient money to pay his own medical expenses, I think he does not argue, because he gets far better medical attention from doctors when he has the money to pay. The medical attention which the government gives—which the Indian health services give through their finances, is not satisfactory.

I think the Indians are prepared, provided they have the finances—and that is the trouble today. The Indian is very inarticulate. Rather than speak for himself, when he is required to pay his own medical expenses, he shies away from the doctor—his whole family does, because when he goes into the office, he is told that he has to pay his own medical bill. It is because of that fact. I know it from experience.

Senator HORNER: Perhaps Dr. Moore would make a comment on that. I understood you to say that where they were unable to pay, the department paid.

Dr. MOORE: Mr. Chairman, I would like to know of any specific instances where any Indian was denied medical care, through lack of funds.

We do appoint a doctor. I think there is a doctor appointed for every Indian band—and this is subsidized from our vote.

We have said, and we continue to say, that the Indians who are in a position to, should contribute toward the cost of their care. However, we continue to emphasize that it should not be a financial barrier.

I know there have been instances in British Columbia where our policy has been abused locally. I am the conscience of every doctor in practice in British Columbia. These doctors are appointed. In areas where there is a sufficient concentration, we have full-time doctors. In that case, this thing does not occur, because it is his job to look after the people. However, where the smaller bands—300, 500, 700—are adjacent to a town, there is a doctor appointed. We pay him good money. Our fees are set up across Canada as a composite of the various medical tariffs, and it is about 25 per cent less, because it is a contract business, and the money is assured.

We always say that the Indian has free choice of doctor. However, if he wants to go to some other doctor than the one we appoint, he must be prepared to go in as a private patient, and pay his own bill. If he goes to the doctor we appoint, the doctor does have the privilege of asking him if he can pay the difference between what we pay and the tariff of British Columbia. But, he has accepted this appointment; he is appointed by the minister, and we expect him to give care for what we pay. He has agreed to do that. That is our agreement.

Now, I know that it has been locally abused. I have had instances brought to my attention—and when that occurs, I try to send, for instance, Dr. Galbraith or Dr. Barclay to investigate what is wrong—to find out where the complaint lies, and what the trouble has been. We do not want that kind of thing happening.

If it comes to a question of a doctor being called out on a reserve, it is the same as any rural area in Canada—it has to be something pretty serious, before he will go. You know how it is, in regard to rural areas. They like you

to attend at their office. However, if it is an emergency they will go out. We pay mileage, plus his fee.

I know these things have occurred. I know of some instances, probably up toward the Okanagan country, where there is extreme dissatisfaction. I have sent my officers in there to investigate. However, we hope that this is not general in British Columbia or, for that matter, in any other place in Canada, because we have said that we do believe—and I think you agree with me—that when an Indian becomes financially able, he should contribute towards the cost of his medical care.

There are certain things we do not expect anyone to contribute one dollar toward—and that is the type of service the ordinary Canadian gets. That is public health nursing, well baby clinics, school nurses, public health education, the care of the mentally ill, free care of tuberculosis, and so on. I think if anyone looks at the record of what we have done over the past 15 years, for bringing down the death rate from tuberculosis amongst the Indians. That is what we fixed our attention on. That was our first objective.

We have a very fine hospital in central British Columbia, and there are an awful lot of Indians alive today who would not be if that institution had not been there. I refer to the Coqualeetza hospital.

Our worst killer today is infant mortality. This is not due so much to lack of medical attention as it is to—shall I say—ignorance; to families that do not know how to care for a young child.

We are trying to put forward a program of health education. We have about four times the ratio of public health nurses for Indians that we have for whites. Maybe there should be more.

In the auxiliary brief they ask for another nurse in the Vanderhoof area. I know it is a necessity, and I agree that there should be one. I have heard that they wish to enlarge the Vanderhoof hospital. They have written to us to ask for support, or a special grant to support an enlargement of the hospital.

When I was in Victoria recently, that was one of the places we discussed, and I said that I would recommend to the treasury board a special grant on behalf of the Indians to enlarge that hospital.

Under present circumstances we could not justify a separate, special doctor for Indians in that area, with the shortage we have of medical personnel, because there are other places where there are no medical attendants, and there are doctors in that area whom we pay. We are always anxious to improve our medical services, and I think they are improving each year, year by year. We are increasing our personnel and spending more money per capita for Indian health than is being spent in any other country in the world. It is about \$130 per capita, while the average Canadian pays about \$90.

It has been a problem, and the Canadian government has devoted funds to it.

Our first objective has been to stamp out tuberculosis, and from its being the leading cause of death, it is now only the eighth cause of death.

Infant mortality is there too, but it is largely a question of educating Indian mothers how to care for their babies.

The VICE-CHAIRMAN: Thank you.

Senator HORNER: My youngest son is completing his medical course, and he was sent to an Indian hospital at Fort Qu'Appel in Saskatchewan. They found there that Indian children would be brought in running temperatures up to 104 and 105. It often happened on a day before a stampede or a fair. Yet the next morning those children would be perfectly normal, with nothing wrong with them whatsoever.

Evidently the children had been given something to raise their temperature so that the hospital would be left as baby sitters while the parents attended the stampede or fair. I imagine some doctors might be quite anxious to know how it was done, because in some cases they raise a fever.

Mrs. MUSSELL: On the question of the infant mortality among Indians of the interior, the area is divided into three zones. One zone runs from Sardis up to Williams Lake. That is where they have the greatest incidence of infant mortality. And it seems to me that the largest percentage of deaths is in the area where they seem to have a nurse for full time attendance, and that is, at Mount Currie.

I did some investigating, and I talked with Dr. Marcus, who is doing a survey of infant mortality in British Columbia. He is directly responsible to Dr. Barclay; and he said that he found that the babies dying are in the families where the mother has had four or five children previously, and he thought that a lot of it was attributable to the factor of malnutrition.

Parents today are not skilled in the use of modern foods. But they are getting away from their normal mode of living on game and fish. They are starting to use modern foods and they are not educated in the value contained in those foods.

Dr. Moore has said that they have to be educated in order to raise their children. I do not think he meant that they were not able to bring up children before. This results from trying to change from breast feeding to feeding them from cans and bottles.

Mrs. MUSSELL: I was wondering if the committee do not feel that in respect to the economic situation among the Indians in British Columbia, especially in parts of the interior. Mind you, we appreciate this policy that has now been started—whereby to make an Indian a responsible individual he is asked to pay a portion of the medical and dental expenses—but we wonder whether or not the mothers-to-be could be omitted from this policy, perhaps, to encourage them to have pre-natal and post-natal care. Because I know Indians of the interior, if they feel they have to pay for it they will not see a doctor and perhaps, thereby, encourage more deaths.

Dr. MOORE: For the last two years we have had an arrangement with the medical officer any place, and pay him extra for pre-natal examination and post-natal visits, to try and encourage the very thing the witness has stressed. We believe she is absolutely correct. We instruct our field nurses to try and do more and more of these ante-natal clinics and baby clinics. We have tuberculosis almost licked. We are starting to devote our energies to the very thing that has been suggested.

There is no doctor working for us, outside our own full-time staff, and anyone on fees, gets extra money for every pre-natal examination and every post-natal visit that he makes. We do not want to stress this idea of making the Indian contribute to the ordinary run-of-the-mill expenses, particularly in the field of child and maternal welfare. That would be the very last field. We do think, in the case of glasses, dentures and things like that that where they are able they should contribute.

Mr. MANUEL: Could I ask a question of Dr. Moore?

The VICE-CHAIRMAN: Yes.

Mr. SMALL: Sure.

Mr. MANUEL: Doctor, you stated a while ago that the doctors which the Indians go to, the ones you contract out to, are paid the same as the non-Indian patient would pay to the doctor. That is not so, is it?

Dr. MOORE: No, that is not correct. I did not say that. I said we have a schedule of fees that we discussed with the Canadian medical association,

and it was also approved by the Minister. It is a composite, the average of what the various tariffs are for each medical association in the ten provinces. British Columbia is much higher, say, than the fees paid in New Brunswick or Newfoundland—almost double. We took a composite—an average—right across the country, and then we pay about 75 to 80 per cent of that. It runs about the same as the average of the workmen's compensation board and is higher than the tariff paid under various schemes where medical fees are paid from public funds. We are paying more than the average doctor would receive when it is paid from public funds.

MR. MANUEL: Would this contribute to the fact that in British Columbia when an Indian patient sees a doctor he gets only half the attention that a non-Indian would get.

DR. MOORE: I would think it would depend on the doctor. I know doctors who have been most conscientious and who would give preference to an Indian patient, no matter how much he was being paid. I also know others who would brush off the Indian.

MR. MANUEL: That is my experience. I made a point to find out about these things.

DR. MOORE: We welcome complaints. If a doctor is not giving service we want to know about it.

MR. MANUEL: I brought several cases to the attention of the regional office in British Columbia and I had a good response.

DR. MOORE: I believe Dr. Barclay went up and investigated.

MR. MANUEL: The other question is in respect of the six months clause. I have a case of an Indian who wrote me before I left. He had to pay his own medical expenses because he left one reservation to live on another reservation because he had work in that area or something. I do not have the letter.

DR. MOORE: That would not be in accordance with our policy. The only time the medical benefit ceases is when the Indian leaves the reserve and establishes a residence and is making his own way outside the reserve. The period is not six months, it is twelve months.

SENATOR HORNER: Also he would have help from the municipality where he lives.

DR. MOORE: If he has residence in a municipality and is an indigent—it happens in the city of Ottawa—he would be just the same as anybody else across the street.

MR. MANUEL: You say the period is twelve months and not six?

DR. MOORE: Yes. I know of no six months period.

THE VICE-CHAIRMAN: It is 19 minutes to 6. Can we finish this brief tonight before 6 o'clock?

MR. MANUEL: We feel we came all this way and we went to a great deal of expense to make these briefs up and have spent a lot of money to get evidence all over British Columbia. We feel when we come this distance you should be willing to listen to us all the way through.

THE VICE-CHAIRMAN: I agree with that. However, we cannot have a meeting tonight. The house is adjourned because of the death of Mr. Fraser. I am sure we would never get a quorum. Is it the wish of the committee that we meet tomorrow morning? It is most difficult, I know, on any Friday to get a quorum. Also the notices have to be sent out and we have to arrange for a room.

Mr. SMALL: Do you think it would be permissible to go on tomorrow without a quorum?

The VICE-CHAIRMAN: We cannot because we are not a legally constituted committee if we do not have nine members.

SENATOR HORNER: I can be here.

The VICE-CHAIRMAN: Would those who can be here please so indicate. Then we all can be here.

Mr. McQUILLAN: I cannot be here.

The VICE-CHAIRMAN: What is your wish? Do you want to carry on for a few minutes tonight or come back tomorrow morning at 9:30?

Mr. ROBINSON: Tomorrow morning at 9:30.

Senator MACDONALD: How much time would it take to finish up this brief?

Mr. SMALL: The reporters are also working under a handicap and they should be considered.

The VICE-CHAIRMAN: I cannot answer that question, senator; it depends on how many questions you have.

Mr. HOWARD: Mr. Chairman, I would suggest it would take some considerable time, and I do not think we should attempt to rush anyway.

The VICE-CHAIRMAN: I have no intention of trying to rush.

Mr. HOWARD: I know you have not, Mr. Chairman; but I thought I would mention that I did not think we should have that attitude. I would be partial to setting the meeting for 9.30 in the morning, and add that each of us should make sure that we drag somebody along with us who is not here now, in order to make a quorum.

The VICE-CHAIRMAN: If we cannot get a quorum to-morrow, it will be just impossible, because the house goes in to-morrow morning at 11 o'clock, and it is most difficult on a Friday.

Mr. HENDERSON: Could we try and have the meeting at 9 o'clock in the morning?

The VICE-CHAIRMAN: It is pretty difficult to get a quorum for even 9.30, Mr. Henderson. I think that probably if we meet at 9.30, we might be able to complete this matter before 11 o'clock.

I know that this room is being used to-morrow; we cannot get this room; but we might be able to get some other room in the house. I am sure our secretary will try and get notices out to us. Do you want to adjourn now, then?

Some HON. MEMBERS: Yes.

The VICE-CHAIRMAN: Just before you leave, Colonel Jones has an answer to a question he was asked today.

Mr. JONES: At noon I telephoned the assistant commissioner in B.C., Mr. Anfield, about the statement he was alleged to have made at Kamloops. What Mr. Anfield says is this. He was speaking of welfare in general, and the problem in some areas of B.C., when he said that relief was running as high as 80 per cent. He had in mind some of the isolated places on the west coast of Vancouver island which had been hit by the strike, poor fishing conditions, and with no alternative employment. He was not speaking in general that 80 per cent of the people in B.C. were on relief. He was just referring to some isolated places.

Mrs. MUSSELL: Thank you.

The VICE-CHAIRMAN: Then we will adjourn until to-morrow morning at 9.30. You will all get notices about where the meeting will be.

FRIDAY, May 27, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen; we have a quorum, and I would ask you to come to order.

When we adjourned yesterday, we were starting on social welfare.

Mr. MANUEL: I think Mrs. Mussell has more to say, and would like to elaborate on the health services, before we go into social welfare.

The VICE-CHAIRMAN: All right; proceed.

Mrs. MUSSELL: There were a couple of points, which we overlooked yesterday. Having heard our brief, you know of the difficulty we are having in regard to medical expenses. The Indians are being asked to contribute in proportion. This is a suggestion that our committee has made, for the consideration of the committee. It may be workable, and we would wish the committee to take some serious thought in this plan, if it is at all workable.

The plan is that the federal government pay a set sum to the society of doctors—I do not know what the actual name is. However, if the federal government could pay a set sum per year to this staff of doctors, and then leave the full responsibility to these doctors to maintain the health of the Indian people throughout the province, thereby giving the Indians the privilege of going to any doctor of their choice, it would be a good thing. It has not been fair, in the past, when they have been obligated to go to a doctor against their personal feelings. There are doctors to which you can talk, and doctors you cannot. If you have no faith in your doctor, it is useless to go to him. The committee feels very strongly in this matter, and we were wondering if this sort of plan could not be suggested, and tried.

I need not go any further into the section under health services. It has been brought out, I believe, in the section under "health and services" in our brief, quite strongly. The problems, arising from the medical services, as it exists among the Indians of British Columbia today, have been put forward.

The VICE-CHAIRMAN: Are there any further questions on that gentlemen? If not, social welfare is next.

Mr. MANUEL: Mr. Chairman, and gentlemen: in regard to social welfare, we say that the Indians pay the 5 per cent sales tax, but we are deprived of the mothers' allowance, the widows' pension, the maintenance of roads, and so forth. Social welfare is the main problem today in British Columbia. Quite a lot of the Indians have a lot of trouble in obtaining social welfare. Perhaps Colonel Jones might not be aware of this, as he is in Ottawa. However, in my experience, I have seen a lot of natives up there. I have visited homes and I have inspected the cupboards of Indians who complained to me. I realized the situation they were in. I checked as to whether or not they were getting any money from any source such as insurance or anything else and I found they were not. I brought this to the attention of Mr. A. R. Neil, the commissioner in British Columbia. I believe action was taken. The question is how many more Indians might have problems in areas which I never covered.

When I was at Burns lake, the natives there had had to leave Fort Babine. They were trying to get social assistance from the Indian department, but they were told that as they had been living off the reserve for some time they could not get assistance. I asked why they were not getting social assistance

from the city. I was told they just do not give it. I went to Vancouver and I was going to pursue the matter further, but because of the expense I was unable to. They referred me from Vancouver to Victoria and I could not get to Victoria.

Because of the amount that is given to the Indians in social welfare from the Indian affairs branch and the province, we were hoping that the federal government would work out some agreement with the provincial government so that the Indians would benefit from the provincial social welfare.

I see here that somebody wanted an old age home. The people we are representing want an old age home for some of their old natives who have no place to stay. They are hoping that this committee will recommend an old age home in British Columbia.

Mrs. MUSSELL: It is true that the Coqualeetza Indian hospital has been taking in a lot of chronic patients—the real elderly who are unable to care for themselves—but the Indians, feeling as they do that they are not accepted into the non-Indian society, are lost when they leave the reserve. This creates a problem and the old native who is not able to take care of himself would rather stay and live under deplorable conditions than go to a place of this sort. Therefore, the old people feel that old age homes should be built close to their friends and family so that their last years may be spent in comfort and happiness.

The VICE-CHAIRMAN: Are there any further questions on this, gentlemen?

Senator HORNER: Mr. Chairman, I would like to say this. The Indians cannot very well be blamed for seeking an old age home, because I remember the time when you would have a fight on your hands if you suggested to any person that they could not take care of their father and mother; but now, with long weekends and people wanting to get away, they want to put the old people in homes. I am speaking of our own people. The Indians are simply taking the example from us in asking for homes for their aged.

Mrs. MUSSELL: May I say something further in respect of the welfare situation among the Indian people. I think perhaps this committee is quite familiar with the fact that the Indian indigent is given now \$22 a month, in the case of an adult, to live on. This is the relief ration or social assistance. Mind you, it is \$22 a month; in comparison to that of the provincial welfare, there is a difference. I know there is a feeling that the Indian can live on much less than an ordinary non-Indian. It is true the Indians do not pay rent on their homes and perhaps that cuts down their living cost, but still \$22 a month is not very much. I know of an actual case on my reserve where a woman's husband is deceased and she is not eligible to what we refer to as widow's pension. Sure, the Indian department will give her wood when she needs it, but how can she be expected to live on \$22 a month when she has no man around the house to go out and fish or get game to help contribute. I do not think it is fair for these Indian people in general to be asked to live under these conditions. If they are to be treated as responsible people, they should share the privileges enjoyed by the non-Indian.

Mr. THOMAS: Might I ask Colonel Jones to comment on the rate of welfare payments in British Columbia which are given to the Indians, in comparison to the welfare rates which apply to non-Indians in the same area.

Mr. JONES: The amount of \$22 is for food only. This does not include anything else except food.

The VICE-CHAIRMAN: That is a federal payment.

Mr. JONES: Yes. It is for relief. The food standard right across Canada is \$22 for an adult, \$15 for each additional adult, and \$12 for each child under 12 years of age. That can be increased any time on the recommendation of a doctor, if it is not sufficient. Also in the high cost zones the rate of \$22 can

be raised as high as \$38. There is some differential. These rates compare quite favourably with the indigent rates which are applicable across the dominion. In some areas—and it could be in B.C.—these are lower than what the municipalities pay. We have standard rates, however, which can be increased at any time, if they are not sufficient. There are other things to be taken into consideration such as fish and, game and vegetables which are grown, and other produce. This is just a guide, and can be increased if it is not sufficient.

Senator SMITH (*Kamloops*): As a matter of information, do Indians qualify for old age pension?

The VICE-CHAIRMAN: Yes.

Mrs. MUSSELL: This has been only in the last few years.

The VICE-CHAIRMAN: Does the provincial government pay welfare through the 50-50 arrangement with the federal government in British Columbia in respect of widows' allowance, the blind persons assistance and that sort of thing.

Mr. JONES: The Indians in British Columbia are the same as in any other province. They come under the provisions of the Blind Persons Act and the Old Age Assistance Act.

The VICE-CHAIRMAN: Do they have the mothers' allowance in British Columbia?

Mr. JONES: If they have, it is not applicable to the Indian population.

Senator SMITH (*Kamloops*): Is it not a fact that the mothers' allowance is provincial legislation in every case, and the Indian would only qualify for allowances under those acts which are subsidized or participated in by the federal government?

Mr. JONES: Yes. The only two provinces which pay mothers allowances to Indians are Ontario and Quebec.

Mr. THOMAS: If that is the case, I would think the Indians in British Columbia could qualify under the various unemployment insurance regulations which cover unemployment and social assistance.

Mr. JONES: There is only one province which has, through legislation, brought the Indians into the orbit of the Provincial Welfare Assistance Act; that is the province of Ontario. The province has declared certain Indian bands to be municipalities. If those bands will, from their own funds, pay the entire cost of relief, they will be reimbursed 80 per cent—50 per cent from the federal government and 30 per cent from the province. Ontario is the only province which has passed legislation to do this for Indians.

Mr. THOMAS: Am I right in assuming that the only way the Indians can come under the unemployment assistance is if the province takes the initiative?

Mr. JONES: Yes.

Mr. THOMAS: And where the Indian band assumes municipal status.

Mr. JONES: In general, I think that would be the practice. Manitoba is giving some thought to a somewhat similar scheme. We are hoping, particularly with the new authority we have from the treasury board, that we can enter into an arrangement with any province to bring the benefits of the Unemployment Assistance Act directly to the Indians.

Mr. MANUEL: When you say you take into consideration vegetables and so forth, does that mean that when they have vegetables, meats, and so on the social assistance is less than \$22?

The VICE-CHAIRMAN: Not below. The \$22 is the set rate.

Mr. JONES: Yes. In setting the rate it was assumed that wherever possible the Indians would have gardens and so on.

Senator HORNER: In British Columbia the Indians come under the provincial assistance. What is the rate?

Mrs. MUSSELL: There are two cheques. One is for old age, and there is a supplementary cheque—I think it is \$15 or something.

Senator HORNER: I know it is higher in British Columbia than in any other province.

Mrs. MUSSELL: There are no complaints about that. I am sure they enjoy the same privileges as the Non-Indians.

Senator HORNER: It is equal.

Mrs. MUSSELL: Yes.

Mr. SMALL: If they have a garden plot and grow their own vegetables, and so on, did you say that this has a bearing on the rate?

Mr. JONES: I intended to say that when the rate was being struck it was not intended that in all cases it would include all the food a person might need. We felt in some cases the Indians would be producing garden produce for their own use. Some Indians are able to catch rabbits, deer and fish in order to supplement their food through their own efforts.

Senator HORNER: But it does not affect the \$22.

Mr. JONES: No.

The VICE-CHAIRMAN: It just affects the increase they might get in the high cost area—up to \$38.

Mr. JONES: Yes. In the high cost area the \$22 could become \$38.

Mr. SMALL: You also said they are not held down to \$22 if a doctor says they should have more.

Mr. JONES: Yes.

Mrs. MUSSELL: Would that be in cases where they are ill and get special foods?

Mr. JONES: It could be any case. We do not pay \$22 in respect of every adult indigent in Canada. It is a guide. If more is needed it is provided.

Mrs. MUSSELL: Colonel Jones, is it not true that the majority of the Indians in British Columbia are not in a position to grow their own vegetables or get essential game or fish, as you seem to infer. These are not readily accessible to the Indian, with the restriction on fish and game. There is also the fact that widows are not in a position to go out and do these things when there is not a male in the household to help out. Therefore, I feel that the widows definitely should have some consideration.

Mr. JONES: If that scale does not fit any particular case it can be increased as much as a medical man will recommend. Many of the Indians in British Columbia are protected by being allowed to fish for salmon for food in all the streams. A good many of the Indians in British Columbia are commercial fishermen and follow fishing as a vocation. A good many of the Indians live in the interior and the north of British Columbia, and I think it is fair to say that wildlife and fish are available to a considerable number of the Indians of B.C. and they take advantage of it.

Mrs. MUSSELL: But, Colonel Jones, do you not agree it is very difficult for a woman to get these additional foods to supplement the ration.

Mr. JONES: We do not expect that in all cases it will be enough, and we will provide more when the rate does not fit.

Mr. MANUEL: I am positively sure that a lot of our indigent people in British Columbia get less than \$22 in certain areas. In my survey of Indians last winter I ran across a good many Indian women who had been outpatients

from the tubercular hospital, who were not getting any social assistance. I went in their houses. You would have to see it to believe it. You would never believe it from my telling you.

Mr. SMALL: Did they ask for it?

Mr. MANUEL: They had been asking for it with no response. When I got in there and brought it to the attention of the superintendent, I think action was taken immediately. This is the kind of thing in which Indians are inarticulate and are not too aggressive. Once you tell them no, they will not go back.

Senator HORNER: That would be a case where the doctor should look after it. I know they fly them out to a doctor.

Mr. MANUEL: That sounds easy. You have to be an Indian to realize these situations.

Mr. HENDERSON: You have to be sick to be flown out.

Mr. MANUEL: At this time I think I should say that a travelling nurse is needed in that area. There should be a person who can fly to all these reservations. There are chartered aeroplanes which go into these areas. I would not want to live under the conditions they are living under.

Mr. SMALL: Is there no effort on their part to establish an organization which could effect a liaison, so that these things in which they are inarticulate could be brought up and they would have someone to speak for them. Probably they do not like speaking to a non-Indian; but if they had a committee of their own it might help. You could have a committee which would act as a liaison between the individuals and the Indian department.

Mr. MANUEL: I think that is why we have in our brief the word "liaison". We have that same idea. I travelled into that area three times this winter, at the expense of our organization. We travel on a shoestring. We just formed our organization. In many areas we have people who cannot speak for themselves. The Indians in the area certainly appreciate our organization for its efforts.

Senator HORNER: I think you are doing a very good job.

The VICE-CHAIRMAN: Shall we continue on with law enforcement and the courts?

Mr. MANUEL: I think this would be a proper time to say this. Tachi is approximately 40 miles out of Fort St. James—by air it is quite close. I flew into there. The Indians in there wanted a road for years. There is sort of a base road built into Tachi. They approached the government through the Indian affairs branch. I got them to sign a petition to Mr. Gaglardi, the Minister of Highways.

Mr. Gaglardi, the minister of highways, in a letter they got, said that the cost was too much and that there were not enough people to warrant building a road. On the other hand, there are over 400 Indians living in there.

Mr. SMALL: What do they do with their gasoline tax? Is it not intended to be used to build roads?

Mr. MANUEL: Ordinarily, if there were some other nationality living in there, I feel that the road would have been built in there to give access to those people, and maybe a school could have been built in there or something like that.

As I said yesterday, these people are living under deplorable conditions at Fort St. James.

The VICE-CHAIRMAN: That is a provincial matter, is it not?

Mr. MANUEL: Yes, that is right.

The VICE-CHAIRMAN: Well, we cannot tell the province of British Columbia to build a road.

Mr. HENDERSON: I know that district well. I think Gaglardi is the man who should build the road there.

Mr. MANUEL: I think this committee might pull a few strings. Perhaps Sidney is a good friend of Gaglardi's. We do not know.

The VICE-CHAIRMAN: "Law enforcement and the courts".

Mrs. MUSSELL: I wonder if the committee would permit me to read the whole section under that heading?

The VICE-CHAIRMAN: Very well.

Mrs. MUSSELL:

Law Enforcement and the Courts:

For even the simplest intoxication charge Indians generally end up in jail as they have not the money to pay their fine, Bootleg liquor around the town costs as much as \$30.00 a bottle, and the fine on top of this leaves the Indian no alternative but to go to jail.

Indians in many cases cannot afford counsel, and in particular on appeals from conviction. Our legal advisers, however, inform us that 80% of Indians defended are acquitted on criminal charges. Without counsel Indians are mainly inarticulate, and many grave injustices occur. Magistrates do not generally treat us as the white men are treated, and too often sentences are meted out to teach the Indian community a lesson for past misdeeds of inhabitants on their reserve, rather than on the merits of each case.

We resent indiscriminate patrolling of our reserves by police officers, and in some cases the Indians even go so far as to say they do not fix up their reserves routes in order to stop some of this use of reserve roads.

We ask that magistrates be instructed to consider more probation sentences on our behalf, and the prosecutor be not a police officer in court, but a lawyer.

Counsel for Indians is only paid for by the Indian Affairs Branch on a murder charge, and we would ask that this phase of defense costs be increased to include many of the other indictable offences.

We would further ask that provision in the Indian Act be made for more jurisdiction by the band council in relation to policing reserves and enforcing discipline. Indian police have been used successfully in the past by many bands, and we see no reason why this should not be made universal in the Interior of British Columbia.

Senator HORNER: I would like to say that I agree entirely with you. When I drive I have to watch the police carefully, because I gave them a great scolding for their action in arresting some boys who were working for me. One boy had worked for me since the age of 16. He was a wonderful fellow, and he had a lot of money.

He came to the hotel in Blaine lake and bought some wine and took it to his room. Another boy took too much of it, and was going down the street. He was acting no differently from some other men that the police left alone. But they arrested this boy. I came up and paid his fine for him and he went on working. But they made the other boy tell where he got the liquor, and then they fined him. One of them had been in the army over in Korea. I told the police that he had just as much right to take a drink as you or I.

They had no business to do that. The fellow from the army was behaving himself like a gentleman. But they came out and took him away. I said, "You are very busy, to do that. There are a lot of other things going on around here."

So I have to watch the police very closely because of the scolding I gave them. They give different treatment to Indian boys than they give to other boys.

Mr. ROBINSON: I wonder if Colonel Jones could tell us whether or not there are many reserves which police themselves? I think up home the reserve does police its own reserve. Would Colonel Jones care to comment?

Colonel H. M. JONES: (*Director of Indian Affairs Branch*): All policing is under the control of the R.C.M.P. We do not have too many places where the policing is done entirely with Indian constables.

Mr. ROBINSON: I know that up in our reserve there are reserve police in there.

Mr. JONES: Yes, but they have been commissioned by the R.C.M.P.

Mr. MANUEL: We have different police on our Indian reserves. Quite a number of years ago we had a policeman who policed two reservations. He was an Indian. He did the job on our reserve so well that the next reserve asked him to do the policing on their reserve.

After he had been a policeman on the other reserve for a year or so, the provincial police commissioned him as a special provincial constable, and he was given a key to the provincial jail. He could make arrests, and bring a person in at any time, or let him go the next morning, or lay a charge. He had that right. It worked well, but this man worked without the benefit of pay. So as a result he got tired of it, and he quit after seven or eight years.

In the state of Washington, in the Coldwell agency, they have Indian federal police. They have their own jails on the reserves, and they even have their own magistrate, I think. They have a place where they can put prisoners to work on a farm, if they cannot pay their fines.

But this is a paid police, and therefore they have to do their job according to the book. I think it has worked quite well in that area.

Mr. SMALL: How many are on that reserve?

Mr. MANUEL: Quite a number. It is one of the bigger reserves in Washington.

Mr. SMALL: That would make a difference.

Mr. MANUEL: There is no reason why an Indian cannot police half a dozen reserves.

Mr. SMALL: When you have a larger group, it becomes something like mass production.

Mr. MANUEL: In British Columbia we have quite a number of reserves which are adjacent to other reserves.

Mr. SMALL: There is one point here I would like to clear up. In the last paragraph on page 22:

We resent indiscriminate patrolling of our reserves by police officers, and in some cases the Indians even go so far as to say they do not fix up their reserve routes in order to stop some of this use of reserve roads.

What do you mean when you say they do not fix up their reserve routes?

Mr. MANUEL: The police that come from some areas are quite prejudiced against Indians. So as a result they go out of their way to make arrests. They go out of their way to go to a reservation where Indians do not know very much about the law, or they are inarticulate, and they even go into their houses without search warrants.

I am talking from experience and from facts. In our area the organization has been working quite actively, and we have established relationship between

the police and our organization, or the local band council, and it is working well. But there again I say that liaison is necessary among Indian people. In my own experience, where I live, I went over to call a corporal when I could not handle a woman who was getting out of hand on the reserve. He said: "I have never seen you where you could not handle a case on the reserve. Go back there."

And when I got back the woman had sobered up.

Mrs. MUSSELL: Perhaps I might answer your question in respect to Indians not fixing up their reserve routes. It is an understanding, or perhaps a misunderstanding on the Indian's part, but it has been common knowledge which has been passed down for generations that a reserve is private property.

But the Highways Act comes in with provincial police being able to go into the reserve, and the R.C.M.P., at their own discretion. So the Indians feel that they have no right, because the reserve is defined as private property.

We have a case at Chilliwack, which was heard only yesterday, Thursday, May 26, in that regard. In that case the magistrate is going to have to decide whether or not a reserve is to be considered as private property.

Our argument is that as long as we maintain these roads through appropriations from our revenue fund, and as long as the building and the upkeep of those roads are the responsibility of the band, then why should the reserve not be considered to be private property?

But if they were maintained by the municipality or by the province, then the Indian felt it would be a different matter. But we have to maintain these roads by our own money which is appropriated from the revenue fund of the band. So a great misunderstanding is growing up among the Indians, and they would like to know once and for all whether or not their reserves are private property, whether or not there be a road through it, and especially if such a road is maintained by the Indians themselves.

Mr. SMALL: Do you mean that they would put up road blocks?

Mrs. MUSSELL: No. They would neglect to put any gravel on the road, and repair it.

Mr. SMALL: It is a kind of underground resistance that they are operating?

Mrs. MUSSELL: It is a rebellion.

Mr. SMALL: You can dig up your roadway, because you have created the condition yourself.

Mrs. MUSSELL: We agree, and we are just showing you what the Indians are doing.

Senator INMAN: I was a little confused as to why the police would use these roads. Would they use them in order to carry out their business, and in the matter of legal policing?

Mrs. MUSSELL: I would imagine that that was assumed in the policing?

Senator INMAN: Are the police not entitled to use any private road?

Mrs. MUSSELL: That is a question which we would like to have answered.

Senator INMAN: I think if there was any reason for it a policeman could come on my property. I think he could do so.

Mrs. MUSSELL: The police would never go sneaking up to your home?

Senator INMAN: No.

Mr. MANUEL: That is what we are trying to get across here. In some areas they do just that, but not all areas. It may be there is some friction between one particular policeman and the other party, and as a result of friction arising between those two parties the police want to get the fellow, and that is where the problem arises.

Senator HORNER: Perhaps the policeman wants to boost his own record.

Mr. MANUEL: That is right.

Senator HORNER: I imagine that where the policemen have dismounted from their horses there is not much danger of their walking very far.

Mrs. MUSSELL: In one particular instance on our reserve the Indian people were astounded one day to discover four or five police cars come rushing into the reserve, and the policemen in them searching houses.

When I was informed that this was going on, I went to ask what it was all about, what they were searching for, and if they felt that some Indian had committed a crime, and if they had heard he was in this reserve.

It seems to me they could have done this in a much more discreet manner. The people were in bed. They are entitled to some privacy within their homes. These are little things but they do cause dissension.

Mr. SMALL: Did they have a search warrant?

Mrs. MUSSELL: No, they did not; and they did not even ask the chief's permission.

Mr. SMALL: You said that bootlegged liquor around the town cost as much as \$30 a bottle. Would the Indian tell where he got it?

Mr. MANUEL: This incident happened in a remote area where non-Indian people at great expense bring in liquor for sale, and for which they charge \$30 a bottle. This happened in Chilokooten, between Fort Babine and Burns lake. The Indian superintendent informed me that they were having a lot of problems with bootleggers in there.

Mr. SMALL: The police would say that if a man could afford to pay \$30 for a bottle of liquor, he could afford to pay his fine.

Mrs. MUSSELL: This is a combined sort of effort. A group of them will get together and pool their money in order to buy this liquor. It is not necessarily done by an individual.

Senator HORNER: Do you not think that some of your efforts should be devoted to directing the police to the bootleggers who sold that liquor?

Mr. MANUEL: They have done that in some areas where the superintendent works hand in hand with the police; but apparently the police are so far away from the district in question that they cannot get in there very fast; maybe just once a week, or once in two weeks.

The VICE-CHAIRMAN: It is just about 10.30. Shall we go on with "Credit"?

Mr. MANUEL: Of course the brief pretty well speaks for itself, but I would like to say that we would like this revolving fund to be increased from \$1 million to much more. We elaborated quite a bit on that yesterday when we said it was necessary that the Indians should be helped financially. That is their main problem; but they would have to have supervision.

We would like to have a little more flexible policy in the interior of British Columbia, exercised by the Indian affairs branch in the matter of giving loans. I know quite a few people in different areas of the interior of British Columbia who have good credit standing in town, and who have applied through their local Indian department for loans, and have been turned down.

The first thing that happens is that they give you a very discouraging outline which right off the bat knocks you right down. There should be some system whereby they would be able to give these people loans. I would like to use as an illustration how an Indian actually feels. This is not just my own feeling or that of one or two individuals.

But I spent pretty nearly six months travelling through reservations which we represent. We have a lot of Indians who are just like non-Indians in that they do not like to work. They would rather drink. While they are happy and strong, nevertheless they will not work. But according to the policy of the

Indian branch, they are indigent. So as a result they are the first ones to get social assistance and so on, because the argument of the department is that they cannot starve the kids or the wives.

But the feeling of the men who are working all the time and struggling along on small wages is, why should the man who will not work get all that assistance, while he who does work, cannot get it? This remark has been brought up to us time and time again on the different reservations. They said: "Perhaps I should go down the street and get drunk too, and maybe the department would help me."

In this respect I think that is where this credit comes in. Where the Indian is trying his best, and is working, we feel he should be given an opportunity; he should be given the privilege and encouraged to start in various types of small business on the Indian reserve, where such is feasible.

For example, I believe that some Indians live on the waterfront or on the highway, and they could start little stands. The Indian does not want to get rich like you. Oh, I suppose he wants to, but I believe he would be satisfied by just making a living.

Mr. SMALL: Which one of us are you referring to as being rich? I would like to return to the first part of your remarks, and say that they apply to white men just as they do to Indians. White men have the same problems as Indians. Their wives and children have to be taken care of, and they too wonder why the innocent man must suffer with the guilty.

Mr. MANUEL: I realize that too, but you do have the privilege of borrowing, while we do not.

Mr. SMALL: That condition applies to white men. I did not say anything about credit.

The VICE-CHAIRMAN: Are there any questions on credit?

Mr. HENDERSON: It is really a big question. I have between 90 and 100 applications from young farmers living in my district on veterans farms or adjacent farms, asking for loans. I do not know how many get them, but not too many do.

The VICE-CHAIRMAN: They would be non-Indian?

Mr. HENDERSON: They would be non-Indian; and if Indian boys were in the same circumstances there, they would be in the same class. But boys are being refused; I mean white fellows, non-Indians. I would pass them, because I know them all; but they are not making the grade.

Mrs. MUSSELL: I agree with Mr. Henderson. Whereas the non-Indian can produce collateral, because of land or property he may own, the Indian does not have collateral, because he does not own his property or land. That makes it much more difficult for him.

Senator HORNER: On the question of credit, once the Indian has been refused, he may be loath to apply again. In my own case when I was a young man, I never heard the banker say "no". I just kept right on, and if he told me it was not a banking proposition, I told him that it was.

I know other men perhaps in the same position who would simply have walked out of the bank. But I simply stayed right there.

The VICE-CHAIRMAN: Hear, hear.

Mrs. MUSSELL: Another point I would like to bring out is that the Indians of the interior feel that this qualification for credit in respect to the revolving loan should not be left to the discretion of the superintendent in charge, but that other means should be proposed—perhaps through liaison with responsible people—which would suggest who would be best suited to get loans.

I say this because I do not think the superintendents always know just who is qualified because they are overwhelmed with the administration of their own offices, and with all the paper work, so much so that they do not even get out to know what is going on in the reserve. I know this to be true.

Senator HORNER: That may be true in some cases, but in my experience with some of the superintendents, I have found that they know exactly what is going on on the reserve, and they know who is worthy of credit.

Mr. MUSSELL: That is not the case in British Columbia, in some agencies in particular; and they are beginning to realize more and more in band councils that unless the band has an aggressive and good leader among the Indian people, the agency does not know what is needed. For example, they would not know whether a man had been working for ten years or had just started.

Mr. MANUEL: In British Columbia the superintendents are getting more and more like the R.C.M.P. They do not want to walk very far. They want to sit in their cars.

Mr. WALKEM: If you have money, and if you are quite well-to-do on the reserve, then you can borrow through the revolving fund. But if you have no money, you cannot do so. That is to say, where you cannot get money, you will never get revolving fund loan help.

The VICE-CHAIRMAN: That is quite characteristic.

Senator HORNER: That is like lending a man an umbrella, and when it starts to rain, you take it away from him.

Mr. MANUEL: I want to go on record as saying that I think there should be a smaller deposit, let us say, five or ten per cent at the most, which is payable when the loan is given, instead of the 25 per cent at present, and that there should be a longer period established for farming.

I am told that in British Columbia the bigger part of businessmen operate on borrowed capital. In many cases a non-Indian can go broke seven or eight times, or until he learns how to operate his business. It has to be learned from experience. But these opportunities are not given to Indians.

Senator HORNER: You do not have the same chances to go broke as the others.

Mr. MANUEL: That is right. We would like this opportunity to be extended to our Indian people. The policy of the Indian department is very rigid in that respect.

I have been in Indian work for a great number of years, and I have been at brotherhood meetings where we have talked these things out. If one Indian were to go broke about 100 miles from here—and they sometimes use this as an illustration, as a sort of example to the other reserves—if an Indian went broke 100 miles away, they would say: "We cannot trust you, because he went broke."

That is a kind of policy we wish to have deleted from the Indian branch.

Mr. SMALL: You are talking about non-Indians borrowing capital; but that capital is not money raised from the people among themselves. If you want Indians to work on the reserve, their capital would be raised from the people on the reserve, and the fellow who would get the benefit of it would be the same person. But you would be the people who lost the money, not the bank.

Mr. MANUEL: But how are we going to get capital if we do not get it from outside?

Mr. STEFANSON: This question is very important to the Indians, and I am sure this committee will give it serious consideration.

Mr. MANUEL: Thank you very much.

The VICE-CHAIRMAN: I am sure of that too. I know that unless you are prepared to sit again this afternoon, we cannot possibly get through this brief, unless we restrict our questions to matters which we have not already discussed. We have already discussed this matter of credit with other groups. I know it is in the records of the committee. I do not want to take up the time of the committee myself, but I do suggest that we restrict our questioning somewhat.

Senator HORNER: What is next?

The VICE-CHAIRMAN: "Estates".

Mr. MANUEL: I think we might skip over that heading, because it speaks for itself.

Mrs. MUSSELL: I would like to bring out one point for consideration by the committee. It is that the Indians' idea of inheritance differs from that of the white man or the non-Indian. I hope the committee will give it every consideration.

Senator HORNER: That is on the question of estates?

Mrs. MUSSELL: Yes, that is right.

Mr. SMALL: That has been brought up and discussed before.

The VICE-CHAIRMAN: Yes. Now, "Indian affairs administration". That is on page 24.

Mrs. MUSSELL: Yes, I think it speaks for itself; but there are a few points I think we should emphasize. It is stressed here in the section on Indian affairs administration that the Indian should be given more responsibility towards decision making, that is, executive responsibility. It seems hopeless among the chiefs, the councils, and the bands of the interior of British Columbia, even before they start to ponder on a solution to a problem which may exist in the council or among the people. I know how I feel personally; I seem to be wasting my time in arriving at some solution to a problem, and in making a suggestion to the Indian department, because I know that the final solution or the final answer to it will be decided by the minister. So you feel that actually you are not very important. You seem to go through the stages as a puppet—through the motions, that is; but the final outcome is not your decision at all; it is left to the discretion of the Indian department and the minister.

This makes them feel that the position of chief and councillor is not a responsible position. We do not have enough authority actually to execute the business or the administration of our bands. That is why it is felt in some reserves, where they are more progressive, where they have good leaders, where they have proven that they have initiative, that the band funds be set aside in the band, to be used by the band, with bonded secretaries. In that way, they would get to know the responsibility of handling their own business or administration of the band. This has to be done gradually, with more responsibility as time goes on.

How are they going to learn to be adults, to be responsible leaders, if they do not have these opportunities of responsibility? I think more and more administration should be given to the Indians, and let them handle this, rather than through the superintendent of Indian Affairs.

The VICE-CHAIRMAN: I can assure you that this is being done in many cases now; but the committee is certainly going to give consideration to extending it as much as possible.

Mr. MANUEL: Thank you, Mr. Chairman.

The VICE-CHAIRMAN: Placement service.

Mr. MANUEL: Placement service. From experience, again, I should like to say—I think I spoke on that quite a bit yesterday.

Some hon. MEMBERS: Yes.

Mr. MANUEL: I will be very brief on that. I think the committee should give that great consideration, to have placement services placed, maybe in the central interior, and one on the coast. It is a very important issue, to our students who have taken some partial training, that they should be placed in some type of work. Even those who are not educated, who are not capable of doing certain types of work, should have a placement officer to find work for them. That is all I have to say on that.

The VICE-CHAIRMAN: Self-government. This is quite similar to the other one, is it not?

Mr. MANUEL: Yes.

The VICE-CHAIRMAN: We discussed that subject very thoroughly with other delegates, in other briefs.

Mr. MANUEL: Yes, except that the chief should receive a salary.

Mr. SMALL: That has been introduced before, too.

Mr. MANUEL: It has been introduced by other delegates?

The VICE-CHAIRMAN: Yes, the Nishga group yesterday.

Mrs. MUSSELL: To be paid by the federal government?

The VICE-CHAIRMAN: Yes.

Mr. MANUEL: I hope you gentlemen will give that good consideration, too.

Senator HORNER: You are not asking the provincial government to increase it, because of the lessening value of the dollar? You might very well seek, from the government of British Columbia, an addition to the \$100,000 paid?

Mr. MANUEL: Yes, in the same way that Saskatchewan described their treaty.

The VICE-CHAIRMAN: A separate Indian Act.

Mr. WALKEM: I would like to speak on this, Mr. Chairman. We have a boundary, the Rocky mountains, we would say, and east of that we have the treaty Indians. To the west there are the non-treaty Indians. We are governed by the federal government in our reservations, and then we have to take a lot from the provincial government, inasmuch as we have to pay taxes, and our grazing areas. We have to deal with the provincial government, because the dominion government does not handle that. And our timber rights: If we have any timber limits that we want acquired, we have to deal with the provincial government. And there are other things, such as provincial social welfare. We should have more of that. We should be able to deal with the provincial government on that, instead of always deriving it from band funds.

Then there is provincial electric power commission facilities, and upkeep of roads by the provincial highways department.

The VICE-CHAIRMAN: In regard to the Indian Act, I believe the Saskatchewan brief included a separate Indian Act.

Senator HORNER: I believe they have a just claim, in that they are different in that regard.

Mr. SMALL: We will have to give that special study. That will be a special study, in itself, when we take it up.

The VICE-CHAIRMAN: The next item is a separate Indian department.

Mr. SMALL: Well, that ties in with the separate Indian Act.

The VICE-CHAIRMAN: We have had several similar requests.

Mr. MANUEL: But I would like to say a few words on that. The reason they feel that way, in the interior of British Columbia, is because they feel

that, being tied in with the Department of Citizenship and Immigration, it takes up much time of our minister, and she cannot contribute too much of her time on our behalf.

Mr. SMALL: The Six Nations also mentioned that.

The VICE-CHAIRMAN: The next item is liaison for the interior Indians.

Mr. SMALL: We discussed that a few moments ago.

Mr. MANUEL: I think that is pretty near the last one. We will not go into the Indian Act, because it is too lengthy. We will go just into the liaison, and then, fishing, if that is agreeable.

Mr. SMALL: We had "liaison" a few minutes ago.

Mr. MANUEL: But I would like to go into it a little deeper.

As I mentioned before, we organized, and we have been an acting liaison with our native people—and I think the Indian department in British Columbia can bear us out on this. However, the amount of money is the thing—and I guess everybody is hollering for money these days. That is our problem. We operate on a shoestring. We feel that if we could get \$10,000 for two years, from the government, on an experimental basis, to run a sort of an office, with a liaison and a secretary, it would be a good thing. We have with our organization right now, which is very active, a boy, who has a B.S.A. degree; we have a school teacher—in fact I think we have two school teachers; we have a councillor, who is a graduate from high school, and a very prominent boy with the Okanagan. Our secretary, for this organization, is a boy who is going to the university of British Columbia. We have some very high calibre Indians in our organization, and we hope that your committee will give this a good deal of consideration.

As we said before, we have gone through all our expenses. In fact, to date, we are pretty well in debt, because of making this brief out. We had some contributions from non-Indian people, which we deeply appreciate. Some very notable people donated small sums to our organization, and things like that really help in the work we are trying to do in the interior.

I think I am right in saying that in the interior there has never been any type of really democratic organization. There has been nobody to look after the interests of the native people in various reserves, and I think we have succeeded, to a great degree, to do some of this. However, we will be unable to carry on, with the financial backing of the Indian people themselves, because they have not the money to do this.

The VICE-CHAIRMAN: You are not alleging that some of the reserves have not band councils?

Mr. MANUEL: Yes, they have band councils, but this is the point: they are very inarticulate, like I say, and we have to help them out in a lot of ways in this respect.

Senator SMITH: As a matter of record, will you tell us if you have approached the provincial government for assistance along the lines they are requesting here, such as the fish and game federation gets.

Mr. MANUEL: No. We approached a foundation, through our legal adviser, but were turned down. We approached many breweries, and were turned down. We figured that as this was a federal matter, we were not in line to approach the provincial government.

I attended the fish and game convention, and approached the president of O'Keefe Brewing Company. He thought he might contribute some money, but I have not heard from him yet. We told him if he did, that when the Indians get their full liquor privileges, there would be nothing but O'Keefe's.

The VICE-CHAIRMAN: Fishing is next.

Mr. WALKEM: I think this was covered, in part, yesterday. However, there is one item I would like to bring up. Our brief states:

In placing nets in the Fraser river under aboriginal rights fishing permits they are often destroyed by logs without compensation to ourselves.

They are often destroyed, without compensation to us. We have a permit to have set nets and dip nets. However, with the logging operations on the Fraser, the booms bust, in some cases, and these logs come in and take the nets right out. The Indians, especially in the lower Fraser, would like to have drift nets—not necessarily long ones, but ones which would run with the stream; and when they see a log coming they could pull their nets in, and set again. That is one thing which we would like fixed, if possible.

Mr. MANUEL: In the Salmon river, where the Indians there have been fishing by hereditary means for the past hundreds of years, I guess, since 1956 they were restricted, on the recommendation of the local fish warden in that area. I was instrumental in having one case appealed, and managed to get one of the boys off.

The thing is this. Thousands of fish are destroyed elsewhere, and yet there are only five or six permits—three or four—per year issued in that area. Still, the Indians are deprived of the hereditary means of catching fish there. That is the argument we have. I approached Mr. Whitmore, the head of the federal fisheries, and asked him for data on that, and he did not give me any. I wanted to know how many fish the Indians were catching, and how much was destroyed elsewhere. However, I did not get any information. I hope, as you are the trustees, that you will look into this matter of our hereditary fishing rights.

Senator SMITH: Does this refer to the interference with the hereditary rights of the Indians by the regulations of the biologists and the fishery studies and research work that has been going on in recent years? There are certain seasons when they regulate the fishing practice, and so on, in order to accomplish some of their work. Is that what you are referring to here?

Mr. MANUEL: Well, I spoke to the fisheries warden, and he told me he had recommended this river be closed, because he felt the fish were being depleted.

Senator SMITH: But it is just for a short period, when they are doing research.

Mr. MANUEL: No; it is cut off completely.

Mr. SMALL: The department have to bring back, and re-establish the fish. They have to quarantine, to get them re-established. This would prove to the Indians' own interest.

Mr. MANUEL: Yes, I suppose it would. However, in this particular area there are only five or six Indians who catch fish. I do not believe that five or six Indians, in that particular area, would be in a position to deplete the fish.

Mr. SMALL: The law has to be for all; it cannot be for one. The minute you make an exception for one group, the other group objects, and think they should be allowed the same privileges.

Mr. MANUEL: If that cannot be ironed out, in our favour, we would like to get the data.

Mr. SMALL: How many other permits, other than your own, are issued?

Mr. MANUEL: There are just four or five in that area.

Mr. SMALL: Are other than Indians issued permits?

Mr. MANUEL: No. There is only salmon that comes up this river.

Mr. THOMAS: Might I ask if these are commercial permits which are being discussed?

Mr. MANUEL: No—Indian permits, just for food.

Mr. THOMAS: Just for one individual?

Mr. MANUEL: Well, the four or five Indians asked for permits, and a permit covers one Indian.

Mr. STEFANSON: Is there no commercial fishing?

Mr. MANUEL: Not that I know.

Mr. WALKEM: No commercial fishing in the interior.

Mr. MANUEL: Could we go into the supplementary brief? There is one portion I would like to go through.

The VICE-CHAIRMAN: These are sub-agency briefs.

Mr. MANUEL: Yes. The brief explains it pretty well, but I would like to go into the Fort Saint James area. It is set out in page 2.

The VICE-CHAIRMAN: This will be all included in the report.

Mr. MANUEL: I know it will be, but I want to explain why the Indians have a complaint, in this respect.

In this respect, there was a barricade treaty apparently made—and I do not remember the year; I think it was 1912. However, this barricade treaty was made—and the list of concessions is set out in the brief. I will not go into the details, as you can read that for yourself. But the fact is this: the Indians made this treaty with the Department of Fisheries, and the Indians, on their behalf, have honoured this treaty, and abided by the regulations of the Department of Fisheries. To date, those regulations have not been fulfilled, according to the native people of British Columbia—and of that particular part. They want this clarified. That is all they want—to have it clarified.

The VICE-CHAIRMAN: Yes. The rest of this brief is on record, Mr. Manuel.

I know I can speak for the committee, and say that it will be giving every consideration to your brief. Of course, the last page is just a census record of the population of the various reservations.

Now, that is our bell. I am sure I speak on behalf of the committee, when I thank you very much for your brief, and the time and effort you have put into it. I can assure you that this committee will give every possible consideration to your remarks, and the brief which you have submitted.

Thank you very much for coming down.

Mr. MANUEL: Thank you, Mr. Chairman, on behalf of my colleagues.

On behalf of the Indians we represent in the interior of British Columbia, I want to thank the chairman here, Colonel Jones and his assistants, and I want to thank all the committee members for the time and attention they have given to our brief. We hope something good will come of the discussion we have had with you.

I would like to request that each one of the committee members be given copies of the evidence that has been given here.

The VICE-CHAIRMAN: Well, that is automatic.

APPENDICES

- Appendix H1 Province of British Columbia
- Appendix H2 B.C. Indian Arts and Welfare Society
- Appendix H3 Anahim Indian Band, B.C.
- Appendix H4 Bella Bella Band, B.C.
- Appendix H5 Burrard Indian Band, B.C.
- Appendix H6 Comox Band, B.C.
- Appendix H7 Francois Lake Band, B.C.
- Appendix H8 Haida Indian Band, B.C.
- Appendix H9 Hartley Bay Band, B.C.
- Appendix H10 Kanaka Bar Band, B.C.
- Appendix H11 Sechelt Indian Band, B.C.
- Appendix H12 Soowahlie Indian Band, B.C.
- Appendix H13 Stone Band, B.C.
- Appendix H14 West Coast Allied Tribes, B.C.
- Appendix H15 Ulkatcho Indian Band, B.C.

APPENDIX "H1"

PROVINCE OF BRITISH COLUMBIA

Submission of the Department of Social Welfare to the Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, as well as Indian Administration in general and, in particular, the social and economic status of the Indians.

OUTLINE

I. INTRODUCTION

1. Changing Concepts.
2. A Statement of Objectives or Goals Seems Necessary.

II. OBSERVATIONS

On present social and economic status of Indians (A social diagnosis)

1. The Indian People.
2. The Indian People in the Community.
3. Provincial Social Welfare Services Afforded Indian People in British Columbia.
4. Indian Social Welfare Legislation and Administration as Related to Provincial Social Welfare Legislation and Administration.

III. SUGGESTIONS
(Treatment Plan)

1. An Acceptance of Indian people.
2. An Assumption of Mutual Responsibilities by Government and Community.
3. An Integrated Health and Social Welfare Program.
4. A definition of Federal-Provincial Responsibility.
5. A Revision of the Indian Act and Provincial Statutes.

IV. SUMMARY RECOMMENDATIONS

- A. *Long-term Objectives*
- B. *Short-term Objectives*

PROVINCE OF BRITISH COLUMBIA

Submission of the Department of Social Welfare to the Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, as well as Indian Administration in general and, in particular, the social and economic status of the Indians.

I INTRODUCTION

"No man is an island entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were . . . Any man's death diminishes me because I am involved in mankind; and therefore never send to tell for whom the bell tolls; it tolls for thee."

1. *Changing Concepts.*

We welcome this opportunity to place before the Parliamentary Joint Committee our findings and suggestions on Indians in general, and in particular, on the social and economic status of the Indians.

Admittedly, in the past decade much has happened to alter the social and economic status of the Indians in British Columbia and in Canada. The new Indian Act (1951) and subsequent amendments have clarified the legal status of Indians and have facilitated in general the advancement and integration of Indians. Outwardly the Indian family and individual, and many of the Indian reserves and Indian Agencies have altered little; inwardly there would appear a ferment of new ideas resulting in changing concepts and practices. Circumstances, some of which are beyond the control of the Indians and the government, are forcing issues vital to their existence and survival. What these issues are and what remedies may apply are the essential concern of your Committee.

Many studies and surveys have occurred since 1951, to mention two are *THE INDIANS OF BRITISH COLUMBIA*, 1955, by Hawthorn, Belshaw and Jamieson, and *THE PEOPLE OF INDIAN ANCESTRY IN MANITOBA*, 1959, by Jean H. Legasse. These sociological studies give detailed factual and statistical material about several aspects of Indian life and social welfare. Their several recommendations bear careful scrutiny. Already some of these to our knowledge, have been implemented by government. The Department of Social Welfare of British Columbia in cooperation with representatives of the Indian Affairs Branch office in British Columbia studied in 1956-57 the social welfare services afforded Indians in two typical Indian agencies in the Province. Recently under the stimulation of a Federal-Provincial Welfare Committee (which grew out of the afore-mentioned study) the respective Departments have been assembling data on social welfare problems presented to social workers and Indian Superintendents by Indians throughout the Province. Our conclusions and suggestions submitted herein are partly based upon these data.

In this nebulous sphere of changing concepts Indians and we ourselves are experiencing severe growing pains. The conflict of the Indian caught between the Old Indian and the New Canadian way of life—his ambivalence—is presently acute. The impact of his feelings (which are the most real of all the issues involved) is surely being reflected in the expressed desire of both federal and provincial governments to resolve this situation satisfactorily and happily for Canadian Indians. If government can so do at this critical juncture in the history and development of a unique native people, good and lasting results will attain.

As a Department of Social Welfare we must constantly focus on the client, on his aspirations, his strengths, his weaknesses and his potentialities for improvement. We must understand and feel for him to be able to help him. We must accept his limitations and the limitations imposed by the governmental or agency framework in which we are working. Our efforts largely are to enable the client—Indian or Non-Indian—to obtain or regain a measure of self-dependence and self-efficiency. In so doing we first try to lessen the trauma which often attend social distress and social illness, then, secondly to effect a cure or remedy, and thirdly to eradicate the causes of that social distress and social illness. Throughout this submission we consciously are sorting out what the Indian himself feels is best for himself and his family commensurate with realistic standards and goals of public welfare.

This principle of self-determination is amply supported by students and practitioners of other disciplines. Mr. Jean Lagasse puts it thusly: "However, these problems must be understood as the Metis and Indians themselves understand them in order that solutions be presented in the form that will

appeal to them."¹ Hawthorn, Belshaw and Jamieson in their Chapter (30) on social control within Indian communities, express this principle in this way: " 'Welfare' must be conceived, not only by administrative criteria, but in relation to the decisions of the Indian people themselves, as expressed through their leaders." Or again, "Seen through white eyes, the Indian and Metis problem is one that should be solved by instilling in those people a high respect for "decent" standards of living and a strong ambition to achieve them. The Metis and Indians see their problems as one of poverty, thrust upon them by White people."²

Happily Indians themselves understand this concept and on occasion have been able to so express themselves publicly, as for example, when Chief Teddy Yellowfly, Blackfoot reserve, Gleichen, Alberta, spoke before the last Joint Committee: "The assimilation by the Indian of this so-called western culture cannot be accomplished by regulation alone, but must be done in a sympathetic, understanding and qualified manner, treating the Indians as fellow Canadians with a problem to attack, not merely as a bunch of savages who must be subjugated and regimented in order to get them to do anything."³ And similarly in the conclusion of their brief to this Joint Committee, the Indian Association of Alberta stated: "A long-range policy is needed with the over-all aim of the total emancipation of the Indian, at his own pace and as he wishes."⁴

2. *A Statement of Objectives or Goals Seems Necessary*

A policy of laissez-faire on the part of the responsible authority is not synonymous with the self-determination of the client. Constitutionally and traditionally the Federal Government through its Department of Citizenship and Immigration (Indian Affairs Branch) and its Department of Health and Welfare (Northern and Indian Health Services) is responsible for native Indians in Canada. We must look to the Federal Government, therefore, to assume the leadership and initiative imperative at this juncture. While there has been a broad statement of the long-term objective, namely, the integration of the Indian into the Canadian body politic, there has not been to our knowledge, any definitive statement of policy and of practice. An enunciation of goals, particularly with respect to the latter, is clearly desirable. Further constant interpretation and translation of these objectives and policies is a necessary adjunct, in order that the Indians, that Indian administrative personnel up and down the line, that related departments of government at the various levels, and the general public may know and understand them.

Undoubtedly the work of the Joint Committee will be directed toward further enunciation of policies and objectives as related to the respective responsibilities of government and community. To continue to assume that provincial and local government will act as a residual resource to the Federal Government, because there is no alternative, would only perpetuate the status quo, which is contrary, we believe, to the purpose of the Joint Committee. For we are mindful that a solution or solutions of the Indian problem is or are dependent upon a mutual spirit of understanding and cooperation at all levels of responsibility. An explicit definition of responsibility would seem part of the answer.

¹ J. Lagasse, *The People of Indian Ancestry in Manitoba*, Vol. III. p. 15.

² Lagasse, *The People of Indian Ancestry in Manitoba*, Vol. III. p. 23.

³ Select and Standing Committees of the Senate and House of Commons, Vol. 2, Pt. 1, 1947, p. 551.

⁴ Ibid pp. 571-602.

II—OBSERVATIONS ON PRESENT SOCIAL AND ECONOMIC STATUS OF INDIANS (Social Diagnosis)

1. *The Indian People.*

Except for the Indians who happen to be our clients and, on rare occasion, fellow-workers or employees, we in The Department of Social Welfare, like the public at large, do not understand Indians and need to know more about them. It is in preparation of such briefs as this (thus coming to grips with the problem) that we hope to diagnose the situation and suggest solutions. It was surprising (and not comforting) to us to read that Mr. Diamond Jenness, noted anthropologist and authority on the Canadian Indian, in his submission to the previous Joint Committee had compared our Indian reserves to the displaced persons' camps in Europe . . . "what has taken place in Europe is exactly what has happened to our Indians. We segregated them from the white population for their own benefit. We thought that, since they did not appear capable of taking care of themselves under modern conditions, we would protect them . . . We have kept them from starving, it is true, but have made them pariahs and outcasts. In consequence, they have developed the warped mentality of world outcasts just like the occupants of the displaced persons camps in central Europe."¹ In his concluding remarks he poses this question, referring to Canada's establishment of the reserve system of training Indians for citizenship: "But how long is that training to last? Some of our eastern reserves were established 150 years ago. Does it take 150 years to convert an Indian into a useful citizen, but a Maori only one generation?"² To-day (World Refugee Year) the western world throughout its social work organizations and related agencies is facing the tremendous problem of the rehabilitation of 150,000 refugees from those same displaced persons' camps in Europe. And in Canada oddly there are 174,000 Indians largely resident on reserves, whose plight and the possibility of resolution thereof differ from those refugees only in degree.

Hawthorn, Belshaw and Jamieson, sociologists, in their report, 'The Indians of British Columbia' add further evidence to this, as they review Indian life and economy as related to industrialization. "The problem is not a technical one. In fact it has been found that Indians often have remarkable ability to learn new techniques . . . The problem, is rather, one of attitudes, traditions and values that prevent full and effective use of new techniques or full and effective participation (from the white point of view at least) in the new industrial system. Also, it is difficult for a people to change, involving costs they may not be willing to pay, and in the absence of institutions which may ease the process of changing."³ "The Indians generally have low incomes and levels of living, and their livelihoods rest upon a rather marginal and insecure economic base. They also have inadequate capital to work with, and the situation creates a vicious circle."

Jean Legasse, a sociologist too, and author of the very recent Report of 'The People of Indian Ancestry in Manitoba' indicates that the two major themes central in his Report are that (1) Indian and Metis have a lower standard of living than that which is acceptable to the rest of the Canadian population and (2) a new approach must be used to solve their problems and prevent the number of un-integrated Indians and Metis from increasing indefinitely. "After more than 75 years of social services given in the traditional way, the words "Metis" and "Indian" are still synonymous with "poor standard of living" . . . "There are more Indians and Metis whose standard of

¹ Select and Standing Committees of the Senate and House of Commons, Vol. 2, Part 1, p. 307.

² Ibid. p. 309.

³ Hawthorn, Belshaw and Jamieson, p. 226.

living is totally inadequate compared to that of other Canadians than there were when Manitoba became a Province and their number is increasing annually."¹

Invariably the Indian applicants for and Indian recipients of social welfare services from the Department of Social Welfare, British Columbia, are people "with poor standard of living." Their families are large, their problems are multiple necessitating often long-term and concentrated planning, and their resources both within the families themselves and their community are severely limited. As with the so called "hard-core" families in their case loads, social workers know only a concerted effort on the part of many agencies in the community will effect any positive change in or rehabilitation for these families and individuals.

Are the Indian people themselves aware of these differences in standards of living and do they care enough (or should they) to change? The great American authority on Indians, Olive LaFarge has stated an emphatic yes. "Indians want to progress. They want to progress as Indians, with the feeling for the advancement of all their people as well as for the single individual. That is one of their great strengths." One has only to read the many dozen submissions from Indian leaders to the former Joint Committee to appreciate the truth of Mr. LaFarge's pronouncement. However, as Rev. P. A. Kelly, a Haida Indian, and spokesman, for the Native Brotherhood of British Columbia in their brief pointed out, Indians may be placed in three categories: (1) Those Indians who like their ancestors wish to remain and die as Indians and thus to remain wards of the government and to have no part in progress; (2) Those Indians who want all the advantages of civilization and progress, e.g., free education and medical care, security of the reserves etc. but who are unwilling to share any of the responsibilities that these involve and (3) Those Indians who do appreciate the advantages of civilization and of progress and who realize such advantages and rights of citizenship involve personal responsibilities and obligations and, who, therefore, are willing and able to assume both. Nevertheless this group too, Dr. Kelly says do not wish to surrender their hereditary rights all in one stroke."

These individual (and sometimes band and regional) differences in objectives and aspirations among the Indian people themselves must be understood and accepted by the responsible authorities and by all those inclusive of social workers who work with Indians. Only recently has the Government made public reports of social scientists like Hawthorn and Lagasse. Here we would pay tribute to work of the National Commission on the Indian Canadian (NCIC) which is doing much to acquaint the public with what is new with respect to our native Indians. Lately, however, the Government has been presenting timely articles on Indian problems in its magazine "Citizen" and its quarterly "The Indian News", as well as in other professional journals as "Canadian Welfare" and "The Social Worker". As a rule John Doe (Indian and Non-Indian) does *not* read these periodicals *but* he does read the press headlines that magnify, often out of proportion, problems of Indian poverty, Indian drinking, Indian crime and delinquency. Unfortunately, also, John Doe public still sees the western stereotypes of Indians on movie and T.V. screen. In our opinion, therefore, a concerted effort must be made by government and professional bodies to give to the public in a palatable form the important facts about Indian people and their problems.

2. *The Indian People in the Community.*

Again, we submit, our general as well as "working" knowledge about Indians in the community is meagre. The 36,973 Indians, registered monthly on 224 Indian band lists in British Columbia, live mainly on reserves. It is not

¹Lagasse, *The People of Indian Ancestry in Manitoba*, Vol. 1, p. 3.

known how many of these live off reserves, that is, in the communities at large. The Indian Affairs Branch officials state they cannot tell the number of Indians off reserves. The Lagasse study shows that, "Seventy eight per cent or 17,966 of the total Indian population in Manitoba live on reserves."¹ It would be interesting to know if a similar percentage of British Columbia Indians live on reserves. In addition to these 37,000 registered Indians for whom the Federal Government assumes responsibility under the Act, there are in British Columbia a few thousand half-breeds (Metis), the exact number of which is not known. The last federal census to include a separate listing for the Metis was taken in 1941, when 2,117 were given for British Columbia, out of a total of 34,391 Metis in Canada. Half-breeds have no status or protection under the Indian Act and cannot legally live on reserves.

Population growth is a significant factor in any economy, and, particularly so in relation to land space and food production as evinced to ^{ary} in overcrowded Asia and Africa. In British Columbia the total population increased by 42.5% and the urban population by 54.2% between 1941 and 1951, as compared to 18.6% and 31.9% for the whole of Canada. The Indian population in Canada has increased in a period of about 9½ years from 136,407 to 174,242, an increase of 37,835 or 27.7%. The population is increasing at the cumulative rate of approximately 3% per year.² The British Columbia Indian population in this same decade has increased from 27,936 to 36,973, or 32.3%. The increase in people of Indian ancestry in British Columbia would be probably similar to that in Manitoba. The Legasse study (Cols. II and III) included the Metis and interestingly in so doing indicated that "23,576 Metis or Half-Breeds were identified" . . . living in 253 communities.³ This number of Metis is approximately 1500 more than the number of registered Indians in Manitoba.

There are 21 Indian reserves in British Columbia and Yukon territory and these come directly under the administration of the Indian Commissioner, the senior administrator of the Indian Affairs Branch for British Columbia. The Indian Act defines "reserve" as "a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band." Reserves in British Columbia, as elsewhere, vary in size, physical resources, and population. For example in the Lytton Agency where there are fifteen bands with a population of 2,022 Indians there are many small reserves scattered along the Fraser River with concentrations at Lytton and Lillooet. The Okanagan Agency with 500 less Indians consists of six bands concentrated on expansive reserves near the centres of Vernon, Penticton, Osoyoos, Keremeos and Kelowna. There are poor and overpopulated reserves and there are rich and sparsely populated reserves in British Columbia. The Indians in British Columbia did not enter into formal treaties with the Federal Government and hence there are no Treaty Indians here.

Much has been written about the reserve system in Canada and in United States. Most authorities are agreed that revision of it is long overdue. Indians themselves are being obliged in order to live to move off the reserve and into the community at large. Some of them who fail to become established "on the outside" return and a few are back and forth intermittently. People generally consider the Indian reserves are federal property assigned for the use of Indians only and rarely venture on unless on official business. Trespassing signs on some reserves serve as a sufficient warning. Even when there are no such signs reserves are usually recognizable by their miserable unpainted dwellings, bad roads, poor sewerage and water supply and general lack of the usual community facilities as parks, playgrounds, recreation hall, shops, etc. Social workers of the Department of Social Welfare who must visit clients on reserves

¹ Lagasse, *The People of Indian Ancestry in Manitoba*, Vol. I, p. 31.

² A Review of Activities 1948-1958, Indian Affairs Branch publication p. 2.

³ Lagasse, *The People of Indian Ancestry*, Vol. I, 58.

are most often accompanied by the Indian Superintendent. They do not go freely about their work in these Indian communities as they do in non-Indian communities. They, therefore, are largely unacquainted with Indian families other than their immediate client; they do not know the Indian band Councillors and other leaders, and are altogether unfamiliar with the resources that may exist in these communities. Too often they conclude there are none on the reserves and seek for aid and resources in the neighbouring white community.

The viability of reserves in the main, according to Hawthorn, Belshaw and Jamieson, is questionable economically, politically, and socially. Indian communities on reserves are neither self-contained nor self-sustaining. Not infrequently in the winter most adult Indians and their families on many reserves will be in receipt of federal relief or rations. "In British Columbia, however, the reserve system and the strict definition of bands has operated to create small, political units of small size, turn bands in upon themselves politically, and to prevent the growth of wider political units."¹ These authorities as do others state that bands are too small in population and resources on the reserves too limited to be regarded as viable administrative units. They suggest band amalgamation, as one remedy; they conclude the mobilization of the resources (limited as they may be physically and economically) within these Indian communities themselves may be the most effective remedy in the long pull. They contend that the traditional and psychological attachment of Indians to their reserve (as revealed in the history of the land disputes) does much to explain present Indian distrust in other spheres; "and it may offer a clue as to their probable reaction to possible suggestions, for instance, that the rule of the Province in Indian affairs be increased, or that the reserve system be amended, or that bands be enfranchised."² They further contend the linking of residence, property interests, and band membership tends to perpetuate the reserve system indefinitely. They are of the opinion that in British Columbia, the Band Council, not the Minister (as represented by the Indian Superintendent) should be the acting authority, and that these procedures should apply to all councils, including those elected by custom. "It is better, we would say, at this stage of Indian development, to leave people with sub-standard housing, or without roads or bridges or irrigation systems, if the only way of getting them is for the Superintendent or his agent to move into the community and lay down the law."³

Much again may be said about the "social claustrophobia" that surrounds the Indian. If the reserves are tiny isles in an inland sea, their inhabitants are truly aliens in a native land. Studies show that there is little positive interaction or social intercourse between most Indian and non-Indian communities resulting in much prejudice and discrimination. If we, as officials and social workers in a related governmental Department of Social Welfare, are to become involved in the problems of Indians, we submit that we must see the Indians as people in their own right, in their own environment. We must ascertain the basic facts concerning their needs and their resources, mobilizing the latent talents and strengths within these people and their communities. Also, we must recognize within ourselves our prejudices and within the Indians their feelings of hostility and resentment. "He lifted his face to the white town beyond the hill. Oh, you white race! What have you to do with us and what have we to do with you? The words were not his, they were wrung from all the sorrows and perplexities, the yearnings and undefined hostilities of his great company of the rootless ones. Our strongest you accept and our weak ones you belittle. You are so positive you are right and we are wrong. You teach us your ways, but you teach us also to scorn our past which alone can

¹ Hawthorn, Belshaw and Jamieson, *The Indians of British Columbia*, p. 950.

² *Ibid.* p. 93.

³ *Ibid.* p. 898.

lift or heads and keep us whole. We imitate and resist you, depend on you and suspect you. You shield us, like children, but deal with us as lesser men you cannot trust. You are the builders and the breakers down. You think you understand us, but you will never know what it is to be an Indian in our land which you have taken for your own."¹

3. *Provincial Social Welfare Services Afforded Indian People in British Columbia*

Social welfare is broadly defined for us in Section 2, Social Assistance Act, 1945, Chapter 62, British Columbia statutes as social assistance which means:—"financial assistance and assistance in kind; institutional, nursing, boarding or foster home care, counselling service; health services; occupational training, retaining or therapy for indigent persons and mentally or physically handicapped persons; and generally any form of aid necessary to relieve destitution or suffering." Social welfare also includes such specialized services as the protection and adoption of children; the investigation of and services to children born out of wedlock; and assistance to aged, blind and disabled persons. All citizens in need resident in the Province irrespective of nationality are eligible as section 8 of this act states: "In administration of social assistance there shall be no discrimination based on race, colour, creed or political affiliations." For all applicants there must be the establishment of need. Section 3, Social Assistance Act, states:—"social assistance may be granted—to individuals, whether adult or minor, or the families who through mental or physical illness or other exigency are unable to provide in whole or in part by their own efforts, through other security measures, or from income and other resources, necessities essential to maintain or assist in maintaining a reasonably normal and healthy existence." In case of Indians "other security measures" may be interpreted to mean the provisions of the Indian Act.

The other principal social welfare statutes in British Columbia are: Protection of Children Act, Children of Unmarried Parents' Act, Adoption Act, Juvenile Courts Act and Industrial Schools Acts. These apply to Indians as to non-Indians. In addition there are these federal statutes as Old-Age Assistance, Old Age Security, Blind and Disabled Persons' Acts and the corresponding provincial enabling statutes. These federal statutes apply to Indians resident in British Columbia and elsewhere in Canada.

The Department of Social Welfare, British Columbia, has been organized to implement the aforementioned social legislation. All Provincial Statutes according to the "Interpretation Act" are "deemed to be remedial." Therefore the Department has as its objective not merely the relief of suffering, but also provision of social treatment to effect a cure for the causes of that suffering. To provide social treatment (like medical treatment) the Department of Social Welfare employs as far as possible, persons who are graduate social workers of a School of Social Work or who are In-service trained. As the social legislation some 200 social workers are located in 50 district offices throughout the Province.

The social workers in the rural areas like country doctors give a *generalized service*. That is, they administer, directly to the people in need of them, all the services and benefits provided for under the aforementioned Statutes. The attached pamphlet "Welfare Services in British Columbia" outlines these 20 some categories of service undertaken by the social workers of the Department. On occasion, as we shall show, all of these services have been rendered Indians.

Believing in the principles of local government the Department of Social Welfare insists that Municipalities over 15,000 establish their own Social Welfare Administrations. To assist these Municipal Welfare Departments the Province provides half the professional staff and also reimburses Municipalities

¹ Herbert Evans, "Mist on the River", p. 253.

90 per cent of the costs of social assistance including medical costs, foster home care and boarding and nursing home care. The Legislative and Administrative framework therefore would appear to make provision for the social welfare of Indians as for other British Columbia residents in need of same. Does it work out in practice?

By reason of the fact that the Department of Social Welfare provides welfare services to residents *who qualify for such services* regardless of race, colour, and creed, the Department had no way of knowing until recently how many recipients of social welfare were registered Indians. Through the stimulation of the Federal-Provincial Welfare Committee on Indians it was arranged that social workers throughout the Province would keep a separate monthly count of Indian cases by category for three consecutive months. The following table, Comparison of Provincial Case Load with Indian Case Load by Category, April 1959, indicates the approximate number of Indians in receipt of welfare services from the Department of Social Welfare in April 1959. The table gives also comparative numbers and percentages of the total Provincial case load.

COMPARISON OF PROVINCIAL CASE LOAD WITH INDIAN CASE LOAD BY CATEGORY APRIL 1959

Category	All Cases ¹		Indian Cases ²	
	Number	Per Cent	Number	Per Cent
Family Service.....	1,375	2.0	87	4.9
Social Allowance.....	17,208	25.0	243	13.7
Blind Persons' Allowance.....	659	1.0	89	4.9
Disabled Persons' Allowance.....	1,680	2.5	70	3.9
Old Age Assistance.....	8,484	12.3	323	18.2
Old Age Security S.A.....	32,330	47.0	679	38.8
Adoption—Pending.....	586	.8	13	.8
—Approved.....	301	.5	1	.0005
Child in Adoption Home.....	836	1.2	21	1.1
Foster Home—Pending.....	462	.7	13	.8
—Approved.....	1,219	1.7	22	1.2
Child in Care.....	2,296	3.3	133	10.3
Protection.....	105	.1	10	.5
Unmarried Parent.....	584	.8	22	1.1
Special Child Service.....	42	.06	1	.0005
Health and Welfare Institutions.....	487			
	164	.2	1	.0005
TOTALS.....	68,818	100.00	1,775	100.00

¹A case is a family or an individual in receipt of a service or one whose application for service is under consideration.

²An Indian case is an Indian family or Individual—registered as an Indian under the Indian Act.

In April, 1959 the Provincial case load was 68,818 cases. In a population of 1,567,000¹ this number of cases represents 4.4% of the population. In the same month in the Indian population of 36,973 there are 1,775 Indian cases known to the Department of Social Welfare. Percentagewise this is 4.8% of the total Indian population, which social welfare incidence is .4% higher than in the general population. However, as many social welfare cases are being carried simultaneously by Indian Superintendents one may assume the social welfare incidence among the Indian population would be higher than 4.8%. The social welfare incidence of Indians in the total population is appreciably less than 4.8%, when the figure of 1,775 cases known to the Department of Social Welfare is considered.

This table bears careful scrutiny. For example, whereas Supplementary Assistance to Old Age Security recipients in the Provincial Case Load represents 47% of the total, it is only 38.8% in the Indian Case Load. Similar per-

centages for children-in-care are 3.35 for all cases, 10.3% for Indian cases. In Family Service the Indian percentage is nearly $2\frac{1}{2}$ times as high. The converse of this is true in Social Allowance. The latter case may be due to the fact that "relief" is generally administered to Indians by the Indian Affairs Branch, although as we shall show this is not always so in certain areas in British Columbia. From this table we may conclude that the greater proportion of case work with Indians would necessarily be directed to the Family Service and Child Welfare categories.

We should like to be explicit and to cite actual case histories to indicate the extent and nature of social services afforded the Indian people by our Department of Social Welfare. Space does not permit this. However, if we may, we should like to state that in the compilation of statistics on Indian cases the geographical distribution of these cases showed a heavy concentration of 300 cases each in two district offices of Prince Rupert and Kamloops. Other district offices, as Smithers, Williams Lake, Vancouver and Alberni each carried around a 100 to 160 Indian cases. The remaining forty district offices varied from one or two Indian cases up to 70.

Due to the heavy concentration of Indian cases in the Prince Rupert region the social welfare staff has been obliged to give detailed study to the problem. In May, 1959 the Regional Administrator of that area presented a detailed report on the Smithers section of this Region, showing 46 Indian children in Category I (severe cases of neglect requiring apprehension under the Protection of Children Act); 33 Indian children in Category II (extremely low standard of living and periodic neglect) and 64 Indian children in Category III (abominably low living standards of filth and squalor and potential neglect). The names of the children in each of these three arbitrary gradations of neglect had been compiled with the help of the Indian Superintendent. The Smithers District Supervisor stated at the end of his report: "Looking over our records for the last year, we have taken protection action on nine children who came from severe neglect backgrounds, and whose situation has thus been remedied. The children-in-care case load for the Hazelton worker for instance is 23. I very much feel that this is all one worker can handle in addition to the rest of his caseload. . . . We can perhaps be optimistic in the cases where we have effectively protected children. On the other side of the picture there remains the 46 children listed for whom we definitely know that protection is badly needed and for whom we cannot foresee doing anything for a long time to come."

The Prince Rupert staff followed up with several pages of description of the actual cases. To cite a couple of cases at random we quote:

#19. X—family, *Kitkatla*.

Boy 19 yrs. Girl 16 yrs. Boy 14 yrs. Girl 12 yrs. Girl 9 yrs. Boy 8 yrs. Boy 6 yrs. Girl 5 yrs. Boy 3 yrs. Boy 2 yrs. and Boy 4 months.

Also a number of grandchildren, perhaps 3, I'm not sure who they are. These parents are also close to being religious fanatics in winter. They were helped to build a new house a few years ago but never finished it. There have been thus numerous accidents one leading to a death of children falling through the second floor. Parents are often in town leaving children with inadequate or no food and usually a baby sitter of some sort. They make poor use of what money they have.

#22. Y—family, *Port Simpson*.

Girl 19 yrs. Girl 15 yrs. Girl 14 yrs. Girl 12 yrs. Girl 10 yrs. Girl 7 yrs. Boy 5 yrs. Girl 4 yrs. and Boy 3 yrs.

¹ Dominion Bureau of Statistics estimate Mar. 1st, 1959.

This family needs help rather than apprehension as there are many strengths. Mother became an alcoholic a few years ago and deserted after considerable marital difficulty. Father is caring for children with help of older ones. It would seem this was a "good" home in the early years. Last month four of the children came in with shocking skin conditions which will give permanent scarring. We doubt this will occur again but obviously father is finding load too much.

In October, 1959 the Deputy Superintendent of Child Welfare concluded a survey of all children of Indian status or Indian background who were apprehended under the Protection of Children Act during the period April 1, 1959 to September 30, 1950 and are still in care either as wards of the Superintendent of the Child Welfare or before the Court and awaiting committal. A total of 93 Indian children were so apprehended as against a total of 285 of all children apprehended. That is to say, thirty-three per cent (33%) of all children were Indian. At the end of September 70 children, involving 42 families, were still in care, out of the total of the 93 Indian children. Of these 70 children 47, i.e. 67 per cent, are of Indian status (registered Indians). Picking at random "the reasons for committal" of two cases we read:

Children removed from own home by Indian Superintendent because of their recurring sickness and appalling home conditions. Mother has been in P.M.H. Father had leg amputated due to frost bite and burns after drinking bout. All children require hospitalization. Three older children left on reserve as band objected to their removal.

Referred by I.A.B. March 1958. Regular visits maintained. Father died Aug. 1958. Mother drinking heavily. Girls (the two aged 16 and 13 years committed) living with boy friends. Five other children in family may also need to be apprehended.

In November, 1959 the Regional Administrator of the Prince Rupert area submitted as further evidence of the serious social welfare problems concerning Indian people in his part of the northern hinterland of British Columbia, a detailed study of the Indian cases in receipt of social allowance in Prince Rupert during October 1959. The number of cases involved was 147 Indian cases. "Indian cases" included registered Indians, Indians of mixed blood and enfranchised Indians. Of 147 cases 76 were registered Indians, 24 were classified as "Non-Indian" but were persons either who were enfranchised Indians (10) or who had Indian ancestry, and 47 were persons where the actual Indian status was unknown. Registered Indians constituted 51.7% of the total.

A high number and percentage were single Indian women, many more than in the general case load. By age grouping the Indian cases fell into a younger age grouping than the general cases, a considerable number being 30 years of age and under. The married Indian cases had a greater number of children, i.e. 17 per cent as compared to 4% in the Provincial case load had six children and over. Having in mind that successful integration may be correlated to how long a person may live on the reserve without applying for social assistance the Regional Administrator analysed residence history of each recipient. He found only one Indian had been off the reserve less than a year, 98 Indian cases having been off from one to fifteen years or more, and 48 whose length of residence off was unknown. Interestingly six had never lived on a reserve. He concluded that probably length of time off reserve had little bearing on successful adjustment in the community at large.

With respect to their employment categories he had this to say:—"The 26 cannery workers are symptomatic. This year particularly due to strike, they didn't qualify for U.I.C. but for both men and women it seems to me the fishing industry is tragic now because it is reinforcing with the aid of social allowance and U.I.C. the old cultural pattern of work in the Summer—rest in the Winter.

Very few save out of Summer earnings. U.I.C. and Social Allowance seem to be the present day equivalent of Herring Eggs, and oolackon and dried salmon for people off reserve. The other categories indicate lack of education, vocational training and the tendency for Indian women to be employed in menial tasks subject to more economic fractures."

In preparation of this brief we obtained also up to date information on the Indian population in our Industrial Schools in British Columbia. The Superintendent of Brannen Lake School for Boys reported in December, 1959 that since 1955 10% to 20% of the School population represented boys of Indian status. Another 5% of the population would be non-status Indians. With respect to their committal the Superintendent states: "While the Indians do not, as a group, present any particular problem while in our School, we do feel that in many instances they have been sent to the School for rather minor offences. Many of the older Indian boys are committed here for violations of the Liquor Act." The Superintendent of Willingdon School for Girls reports similarly. Twenty-five per cent of the population of the School has been Indian (status and non-status). "During the past six months this has jumped to 32%. Out of a population of 85, there are 28 Indians. This does not include any girls who are part Indian." As with the Indian boys most Indian girls are sent to the School on a charge of "being in a state of intoxication off the reserve." Significantly all Indian girls "with rare exception" committed "have spent some time, up to seven years in some cases, in Indian Resident Schools and have not been in their own community longer than a year when they are committed to us." Both Schools deplore the fact that any real improvement in behaviour is achieved at the School and that little after-care is provided. As the Boys' Superintendent comments: "Attempting to apply standards of law essentially designed for our white population does not always make allowances for Indian standards and their moral attitudes. This is not meant to imply that their attitudes and standards are in any sense inferior to our own but merely points out the conflict which exists in the application of the law. We believe this conflict cannot be resolved short of a total and long term educational programme for Indians and an equally broad programme of self-improvement. Both of these must necessarily be designed specifically for and include the full acceptance and participation of the Indian himself." He considered the non-status Indian in many cases "more handicapped than the full blooded Indian."

Although statistics can oftentimes becloud the issue, we submit, that the statistical data that we have gathered, some of which we have presented to you, will enable us, and we hope the Joint Committee, to measure the extent of the Indian problem in specific areas. It is important, we contend, to see the Indian problem in whole and in part. We know that it varies from Province to Province. We know now that it varies considerably region by region within our Province of British Columbia. We know also that it varies from band to band and from reserve to reserve. For this very reason it has been valuable for us to see the separate parts and the several facets of the social welfare problems of Indian people.

In summary then, the social welfare services afforded Indian people in British Columbia constitute in April, 1959 only 1,775 known *registered Indian* cases in a total of 68,818 cases, that is, 2.5%. This percentage, taken by itself, seems insignificant. It is just slightly higher than 2.3%, which is the percentage of *registered* Indians in the total population of British Columbia. But as we have been careful to point out the "non-status" Indian people present an equal number, if not more, of social problems in our several communities particularly where there is a concentration of Indians. Many of their problems are more difficult of solution than those of the Indians, as there is no federal department responsible and yet these people consider themselves Indians and live like their fellow Indians and neighbours who are the responsibility of the

Federal Government. These non-status Indians, therefore, as the Lagasse Report points out, often fare worse than those other Indians. For instance it has come to our attention time and time again that a widowed Indian woman with children may not legally return to her family on the reserve, as her deceased husband was white. Her children cannot attend the Indian day-school or residential school and they cannot receive Indian health services. Yet socially, this often is the best and only practical plan for her and her children. In no other community is mobility of families and social planning for their welfare so restricted and thwarted by government regulation. Most Provinces have now worked out reciprocal repatriation agreements which recognize that the welfare of family supersedes legal residence and responsibility.

The other percentages, we have quoted, are not, however, insignificant. In the Prince Rupert area, where there is a large number of Indian people, Indian cases represent 35% at this time of the total social allowance case load. In our two Industrial Schools Indians have for some years been 20 to 25 per cent of the total admissions. And in the Province as a whole, of the children apprehended for the past six months 33% were children of Indian heritage. This surely is surprising, to say the least, and is indicative of the seriously mounting problem.

Our social workers and administrators in those regions as Prince Rupert, Smithers, Williams Lake, Vancouver District, Alberni and the Okanagan, where there are heavy concentrations of Indian people continue to press for special consideration of the needs of these people. Social problems have been building up over a period of years and now situations are so acute that the very lives of children are threatened, as well as the livelihood of entire families. The development of resources in these communities has not kept pace with the growth of population. Social workers deplore the apathy, if not antipathy, of the citizens, both Indian and non-Indian. They are unable to find foster-parents and adopting parents. We have in mind Jimmie, an Indian infant (reported by the Superintendent of Child Welfare in her Annual Report) for whom social workers in a certain district hunted for *three* years before they found the right adopting parents. After his adopting parents had had Jimmie for some months, they wrote saying: "The Little Chief does fine. So do we." The important lesson here surely is that Indians and Metis or breeds have the potential to become responsible citizens of Canada providing that the various governments and public generally do not fail them in the future as they have in the past. "Government assistance would help to increase the degree to which the efforts of Indians and Metis to integrate (or assimilate) are successful. . . . The number and scope of these problems will continue to increase almost indefinitely generation after generation until an enlightened public spirited group of Canadians decide that top priority should be given to their immediate solution."¹

4. *Indian Social Welfare Legislation and Administration as Related to Provincial Social Welfare Legislation and Administration.*

We shall only comment with respect to specific instances where existing legislation and administrative practice seem inconsistent.

The British North America Act assigns Indian Affairs to the Federal Government, and the Terms of the Union under which British Columbia entered Confederation stated that "charge of the Indians and the trusteeship and management of lands for their use and benefit shall be assumed by the Dominion Government." Section 87 of the Indian Act (new 1951) reads as follows: "Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any Province are applicable to and in respect of Indians in the Province, except to the extent that such laws are inconsistent with this Act or any order, rule,

¹ Lagasse, *The People of Indian Ancestry in Manitoba*, Vol. III p. 24.

regulation or by-law made thereunder, and except to the extent that such laws make provision for any, for which provision is made by or under this Act."

The British North America Act, The Terms of Union and the old Indian Act, understandably, made no major reference to social welfare per se. Of the 123 sections of the Indian Act 1951 only four or five sections make reference to the provision of welfare services to Indians.

According to the interpretation of Hawthorn, Belshaw and Jamieson the Parliament of Canada has elected to legislate for the Indian in those fields particularly affecting his welfare, such as intoxication and property rights, and to leave him subject to the laws of the Province within which he resides, and to the general laws of Canada, in all other areas.

Provincial social legislation has only developed in the past fifty years. In British Columbia not one of the ten separate statutes that the Department of Social Welfare administers makes specific reference to Indian or to any agreement with the federal government with respect to social welfare to Indians. "The truth of the matter is that the legal bases for social welfare for Indians are still unclear in terms of the relationship between various levels of government."¹ This lack of legal provision may allow at this juncture for flexibility "useful in the planning of co-operative services between all levels of government."²

It is our intention in this submission to touch only one or two contentious, legal points, namely: the protection of children, and the adoption of children. The applicability of the British Columbia Provincial Statutes, the Wives and Children's Maintenance Act, and the Children of Unmarried Parents' Act has been questioned by one of our local barristers and magistrates. In his letter, date September 18, 1957, which he wrote to us for the expressed purpose of obtaining clarification, he states:

Under the "Indian Act" it is clear that Provincial Statutes apply to Indians except where the same subject of legislation is covered by Federal Statutes, or except where Provincial Legislation is in conflict with the Federal Statutes.

Section 67 of the "Indian Act" makes certain provision for the wives and children of Indians in circumstances of desertion. It also provides for dealing with illegitimate Indian children, etc. If these provisions are complete, it is my opinion that the Provincial Statutes, the "Wives and Children's Maintenance Act" and the "Children of Unmarried Parents Act", have no application. It may, of course, be argued that the provisions of the "Indian Act" do not constitute a complete code, and that recourse may be had to the Provincial Statutes mentioned, in cases where the provisions of the Federal Statute are found to be inadequate or in-operative.

In another field covered by the Provincial Statutes, the "Protection of Children Act", there does not appear to be anything in the "Indian Act" covering this field, and I would take it, therefore, that the "Protection of Children Act" does apply to Indian children living on a Reserve. As to the making of an Order committing an Indian child to the Superintendent of Child Welfare, on the assumption that Indians are not wards of the Federal Government, no difficulty appears to arise.

However, in the matter of making an Order for the maintenance of an Indian child so committed, there is a serious problem. Responsibility for maintenance of children committed to the Superintendent under the Provincial Statute is covered by the provisions of the "Residence and Responsibility for Relief Act" of the Province.

¹ Hawthorn, Belshaw and Jamieson, "The Indians of British Columbia", Vol. III. p. 828.

² Ibid, p. 828.

The first question is, can an Indian living on an Indian Reserve under exclusively Federal jurisdiction be truly said to be a resident of the Province within the meaning of the "Residence and Responsibility for Relief Act"?

If this question may be answered in the affirmative, then it would appear that the Province may be made liable for the support of an Indian child, in respect of which the Province receives no Taxes of any description, and has no right to an overorder.

I am informed that in cases of this kind there is an understanding between the Federal Government and the Provincial Government that the Department responsible for the administration of Indian affairs will actually reimburse the Province involved for the expense of maintenance. However, with very grave deference, I feel that the Magistrates' Courts should not be called upon to make Maintenance Orders in cases of this kind, on the strength of an understanding between Government Departments of which it has no proper legal notice.

Might I suggest, therefore, that some arrangement should be worked out whereby the responsibility of the Federal Government in matters of this kind ceases to be a question of a Departmental understanding, and becomes a matter of law, and so within the jurisdiction of the Magistrates' Courts.

The other major legal difficulty has been in adoption. The Adoption Act, C.I.R.S. 1957 British Columbia, section 10 (1) states: "For all purposes an adopted child becomes upon adoption the child of the adopting parent, and the adopting parent becomes the parent of the child, as if the child had been born to that parent in lawful wedlock." Indians are being encouraged, as you know, to adopt children legally rather than heretofore and non-Indians are being encouraged to accept Indian children who are in need of permanent adoption and for whom Indian adopting parents cannot be found.

In the matter of Indian parents adopting a non-status Indian or white child, the Indian Act apparently precludes this child Indian status, entitlement to registration on the band list and band moneys, and entitlement to the health benefits and the education afforded the natural children of said Indian parents. It has been pointed out that in the 1956 amendment of the Indian Act Section 48 was extended to include "a child adopted in accordance with Indian custom" and sub-section (16) provides that, for the purposes of that section 'child' includes a legally adopted child." It has been proposed that the omission of this provision from Section 11 would seem to have been inadvertent, and that, Section 11, sub-section (d) be amended to read:

"the legitimate child or the legally adopted child, of

(i) a male person described in paragraph (a) or (b), or

(ii) a person described in paragraph (c)".

In the matter of non-Indian (or Indian) parents adopting an Indian child the confidentiality of adoption and secrecy of documents, as provided for in the British Columbia Adoption Act, are not so provided in the Indian Act with respect to the sections relating to registration of Indians on band lists. The Superintendent of Child Welfare has communicated with the authorities of Indian Affairs Branch on these and related legal matters.

We are aware that there are several other conflicts with respect to the Indian Act and other provincial statutes. We know, for example, that at the last session Ontario amended its General Welfare Assistance Act, 1958, to provide for social assistance to Indians through the agency of a welfare administrator appointed by the council of an Indian band, which "council", "band", "Indian", "reserve" have the same meaning as in the Indian Act. Hawthorn, Belshaw and Jamieson on municipal government and taxation have this to say: "If both governmental authorities are genuinely interested in the

progress of Indian institutions, to amend the law so that an Indian band can be recognized as a municipal organization without any implied loss of Indian or reserve status we believe that such measures would facilitate the transition of Indian society to a very considerable degree."¹ However, since reconciliation of the Indian Act with various provincial statutes of *ten* separate Provinces may be a long involved process, like changing the British North America Act, much of the immediate and directly beneficial change may best come about in administrative practice. In Part III we shall suggest certain changes in administrative practice, which, in our opinion, may prove helpful.

III—SUGGESTED SOLUTIONS (Treatment Plan)

Underlying all social welfare administration (and possibly any administration) there must be an understanding of basic *relationship* principles and the constant application of these. These principles are:

- (a) the principle of individualization;
- (b) the principle of breaking a complex problem into its parts;
- (c) the principle of growth through relationship;
- (d) the recognition of ambivalence;
- (e) the recognition that the conscious and the unconscious have ways of expressing or defending themselves through certain reactions, (silence, denial, illness, projection, retreat, etc.).

These social work principles apply to groups as well as to individuals. Throughout this analysis we have essayed to evaluate the present services to Indians in the clear light of such basic social work concepts and "working" principles. In this conclusion we shall endeavour to hold to them for we are convinced after considerable study and review that our past failures with Indians are due largely to a disregard or inconsistent application of these principles. In the field of social relations and social reform, legislators, administrators, supervisors and social workers always must be conscious of the fact that feelings and emotions rather than reason govern human activities.

1. *Acceptance of Indian People.*

Before we can accept Indian people we must first admit our own prejudice and discrimination against them. "The civilized world is intolerant of these peoples (aborigines), whom it has neither the time nor the patience to protect and train for three or four generations until they can bridge the gap between the old conditions and the new."² We have only to look about our back alleys where Indian families congregate on a Saturday afternoon around their old jallopies. "Many persons, driven by an inferiority or by a resentment complex or both, develop emotional trends of anxiety, insecurity, weakness in the sense of vulnerability, damaged self-esteem or similar traits. Such persons are afraid not so much of members of other groups but primarily of themselves, of their conscience, of freedom, of solitude, and of change."³ Crystal-clear an Indian expressing himself before the previous Parliamentary Committee puts it thus: "I do not vote, I am an Indian."

To accept them as individuals in their own right we must understand their characteristics and their culture. Lagasse on predominant Indian personality characteristics quoted Hallowell: "He concluded that although the more acculturated Indians dressed and acted like whites, they remained Indian psychologically speaking." That is why Lagasse says, modern Indians living in our cities insist on grouping together maintaining that an Indian person "understands them better than a white person even a sympathetic one."

¹ Hawthorn, Belshaw and Jamieson, *The Indians of British Columbia*, p. 960.

² D. Jenness, *Indians of Canada*, p. 249.

³ Jahoda, Deutsch & Cook, *Research Methods in Social Relations*, Vol. I., p. 366.

However, the principle of individualization must permeate both the Indian and non-Indian community. It was surprising to us to hear Chief Moses (Chairman of the Ontario Indian Advisory Committee) at the Minaki Conference, 1958, state that integration of Indians was not a problem. He was seeing apparently Indians only as those Indians of the Brantford reserve—an already well integrated group. This failure to comprehend the extent and intensity of this cultural problem comes home to us most vividly in the phrase “No Indians, no problems,” for this is what we heard in one city, when we were conducting our survey, and where we saw many Indians in twos or in family groups wandering aimlessly along the streets whilst awaiting the ferry.

How do we learn to accept one another? Well briefly, it involves each of us individually, in our homes, in our schools, and in our business. Let us begin by inviting Indians to our homes and their children to play with our children. Then, let us extend a similar warmth and opportunity of intercourse into our business and community relationships. Let us be friends and neighbours.

2. *An Assumption of Mutual Responsibilities by Government and Community.*

Corporately, too, we in our communities (and Indians in their communities), have a responsibility to bring about an improvement in understanding and in relationship. As economic pressures force Indians into the community at large, the reception afforded them will largely determine their success or failure. Lagasse says it thus: “Some would adapt with little outside help. Others would need considerable assistance as well as tolerant neighbours.”¹ What assistance do the Indians *themselves* see necessary? Assistance with jobs, with housing, with loans, with insurance, and with business management and in learning new trades and techniques. If government assumes the major part of this assistance; then industry, business, and public institutions hopefully will follow suit. Considerable more impetus for the economic development of the Indian people must immediately be forthcoming.

To assure the full participation of Indians in the life of the Canadian community, *planned* activities are very necessary. For example, community programs to prepare Indians “for the outside” may be possible now in certain communities under the auspices of Citizenship Councils, Indian Arts and Welfare Societies, and Parent-Teachers’ Associations. For any *planned* community enterprise, the quality of leadership is important. Indian band councils may be able to assist in obtaining potential leaders within their own band membership. These outstanding Indians along with other community-minded and trained personnel would be able to participate in leadership training and community organization courses. The delegation of more responsibility and authority to band councils for the welfare of Indians would accelerate, in our opinion, Indian participation in the responsibilities of citizenship within and without their immediate community.

Simultaneously, school and church can facilitate Indian integration. The progressive use of provincial schools for Indian education already is bearing fruit. We suggest the church, under whose auspices are the Indian residential schools, should see anew its opportunity for helping the Indian to move into the larger community whenever and wherever it is best for him to do so. Church and school also can help the community at large accept the Indian, even welcome him.

The time is opportune for “operation research” in community organization by government in Canada. We know that Canada is contributing in the field of community organization *abroad* and that, *at home* the Department of Citizenship and Immigration is experimenting in this area on behalf of *new* Canadians and, also, we understand, on behalf of Indians (*old* Canadians). We do not

¹ Lagasse, *The People of Indian Ancestry*.

know how much or how valuable the results have been. The complexity of the Indian problem, however, suggests clearly this new official approach. Imaginative social research and experimentation can pay dividends. This has been proved, as for example, the social work demonstration project in Marin County in California.¹ We suggest, therefore, that the federal government conduct a number of pilot or demonstration projects before implementation of any overall design and operation.

3. *An Integrated Health and Social Welfare Program*

We see the value of an integrated health and social welfare program for Indian people. The two separate federal departments, namely Health and Welfare and Citizenship and Immigration dealing presently with Indians, in our opinion, add to the problems of administration and of communication. We suggest that better integration of health and social welfare would be achieved if one department were assigned the full responsibility for Indians.

4. *A Definition of Federal-Provincial Responsibility*

The division of legal responsibility is generally contained in Section 87 of the Indian Act, that is, provincial laws are applicable. As we have indicated in the foregoing, Section 87 has not proved an adequate working device. It does not put in sharp enough focus the separate and related responsibilities of the federal and provincial governments. It is suggested that the "agreement principle" for matter of social welfare as for education be embodied into the Indian Act. Since, however, the legal processes of law are generally long and involved immediate changes may be better effected through administrative processes.

Policies with respect to the *administration* of social welfare services to Indians are often misunderstood or misinterpreted. In consequence an Indian family in a non-Indian community, or for that matter on the reserve, may be long in need of attention before any referral to a social agency is made. Then the degree of neglect or other social distress may be such that treatment becomes much more difficult to administer. Placement resources for all children are limited but difficulties of placement of Indian children are intensified by prejudice and the severity of deprivation and neglect prior to admission. It would appear that such families *off the reserve* because the gaps in services and *on the reserve* because of overlapping of services fall by the wayside. This is particularly true for those Indians who have not established "residence in the local area". Many times the Indian requiring immediate help in the local community or municipality had no alternative than to return to the reserve for often the provincial or municipal administrator is uncertain of his responsibility or the Indian himself is unaware of the local social welfare agency.

A redefinition of mutual policy and procedures with respect to the administration of social assistance seems imperative. We suggest the guiding principle for this would be that old-social-work rule—start where the client is—first grant him assistance and then send the bill collectible. Some such reciprocal arrangement as in the case of repatriation agreements between provinces may be the answer.

The matter of division of financial responsibility seems easier of reconciliation between the Federal Government and the Province than the matter of administration. Already the Indian Affairs Branch reimburses the Province the per diem capita costs of children in care. It is suggested that the Federal Government pay in addition an annual per capita grant to the Province of British Columbia, as it does now pay Ontario under the Ontario agreement. A similar arrangement might be worked out for other social assistance cases.

¹ State of California, Department of Social Welfare—*A Study of Marin County Building Services into a Public Assistance Program Can Pay Off*. (Sacramento: The Department 1958).

5. *Revision of Indian Act and Provincial Statutes.*

A revision of the Indian Act, in our opinion, should also receive consideration at this time. It is suggested that all major statutory revisions be referred to a sub-committee representative of law, education, criminology, social work, administration and sociology.

IV—SUMMARY RECOMMENDATIONS

A. *Long-Term Objectives*

1. *Full citizenship and integration of the Indian people.*

If the measure of (Canada's) democracy is the measure of freedom (and of opportunity) given to the smallest minority group, then surely Canada's goal or long-term objective for the Indian people is full citizenship. This means among other privileges mobility of Indians within the community at large; it means equality of opportunity and active participation in affairs of government within the community whether that community continues to be the Indian village or the community at large.

2. *Full Extension of Provincial services to Indians.*

The goal of government in respect to social welfare should be assumption of all social welfare services to Indians by one authority—the province. At least during the period of transition—which is the present and immediate future—the Federal Government should pay the provinces for services rendered. Formal agreements to this end would be made with the provinces.

This objective is to be achieved with the full knowledge and participation of the Indian people. In no better way has this principle of growth through relationship been expressed than by the Indians themselves. "The first thought for the future should be cooperation; cooperation among Indian bands and the Indians themselves; cooperation between Indians and their white neighbours; cooperation between the Indians and the Government of Canada. Not in hand shaking alone—as in the conclusion of the treaties in the 1880's—but in hands working together for the creation of a greater Canada and a happier Canadian people, can the hopes and aspirations which are mutually ours, be realized."¹ The pace of development must be, therefore, at the Indian tempo—like the endless beat of their native tomtom.

3. *Revision of the Indian Act*

It is suggested the representative committee (page 31) be established with adequate representation of Indians on it to give long and detailed study for a major revision of the Indian Act.

B. *Short-Term Objectives*

Simultaneously as the Federal Government works toward its long-term goals, it is suggested that it accelerate its planning and its activity toward such immediate objectives as the following:

1. *Public Relations Structure.*

It is suggested that the Federal Government provide for an official Public Relations medium in order that the general public may be informed on Indian activity and progress at the local, provincial and national levels. For example such private auspices as N.C.I.C. might undertake immediately the publication of the work and conclusions of the Joint Committee.

¹ Select and Standing Committees of the Senate and House of Commons, Vol. II. Pt. 1, 1947, p. 600.

2. Implementation of Pilot Projects.

It is suggested that the Federal Government conduct pilot projects, for example, the extension of provincial social welfare services in an Indian community, a community organization program in an Indian community. It is suggested that an advisory committee representing interested citizens of both the Indian and non-Indian communities would be a necessary adjunct, such a committee to be in on the early planning.

3. Development of Special Institutions to Ease the Process of Changing.

It is suggested that the Federal Government might develop special institutions in Indian communities, primarily, to ease the process of changing. These may be periodic as the present community leadership training courses and workshops, and permanent as annual institutes, university extension courses, credit unions, night schools, summer schools, bursaries and scholarships, short-term loan funds, etcetera.

The Federal Government must continue to function as the catalyst during this critical period of transition.

4. Group-living Homes for Indian Children in Need of Protection.

It is suggested that the Federal Government consider financial support for the establishment of small group-living homes in specific areas by the provincial authorities in order to meet the urgent and immediate need of foster-home care of Indian children. These homes should be staffed with qualified home-parents, health and social work personnel. This would temporarily ease the situation for the provincial agencies, who then could in cooperation with Indian Affairs Branch campaign for foster-homes and adoption homes.

5. Clarification of Residence and Responsibility.

Federal, provincial and municipal governments should come to some immediate agreement with respect to residence and responsibility of Indians. The dilemma of the "non-resident" Indian requires immediate resolution. Indians should understand, as well as the responsible authorities, to which social or public agency they should apply for social assistance.

6. Integration of Federal Health and Welfare Services.

It is suggested that this integration may be best achieved by allocation of the two present branches to one department.

7. Formation of Federal-Provincial Committees on Indian Affairs.

For the past year British Columbia has had such a federal-provincial committee on Indian welfare. It is composed of three representatives each of the Indian Affairs Branch and Department of Social Welfare. It meets bimonthly and discusses special reports, statistics, procedures and practice which are referred to it from both administrations. Minutes of meetings are circulated to departmental heads of both governments. The general consensus has been that the work of this Committee has been helpful in the development of federal-provincial policy with respect to social welfare of Indians in British Columbia.

It is suggested that similar federal-provincial committees of personnel be established throughout the provinces. Conceivably, after an interval, representatives of other provincial departments, as education and health, may be included on the committee.

8. Systematic Recording and Reporting of Indian Social Welfare Cases.

It is suggested that by mutual arrangement definitions of cases and categories and a system of monthly recording and reporting of social welfare cases be established in Indian Agencies and local social welfare offices. The Depart-

ment of Social Welfare in British Columbia and the Indian Affairs Branch have been collecting social welfare data in this way during the past year. The data so collected have been valuable in the preparation of this brief.

9. Conclusion.

In this brief we have confined our principal remarks and suggestions to social welfare of Indians, as defined under our provincial statutes. We are aware of many other aspects that relate to the social and economic status of Indians but we realize other agencies will make recommendations regarding these.

Ten years ago the focus of attention was on the Federal Government. In the interval the public has become, unfortunately, not really much more aware of the social stress and social dilemma of the Indian people. Indians themselves are amivalent. The public does not seem yet ready and Indians seem ill-prepared to accept their share of responsibility. Government at all levels but primarily at the federal level, therefore, must assume the greater burden of and responsibility for change. We should like to quote in closing, further words of Dr. Diamond Jenness: "Every administration that deals with a native race, therefore, should aim, first of all, to inspire or foster in that race some desirable goal, and then to promote the evolution of native leaders who will command the confidence of their people and guide them towards that goal."

Respectfully submitted.

W. D. BLACK,
Minister of Social Welfare.

APPENDIX "H2"

A BRIEF FOR PRESENTATION TO THE PARLIAMENTARY COMMITTEE ON INDIAN AFFAIRS

Prepared by the B.C. Indian Arts and Welfare Society, Victoria,
B.C. December 1959.

We welcome the opportunity afforded us by the Parliamentary Committee on Indian Affairs to submit suggestions for its consideration at this time. Our proposals will deal with the following matters:

- (1) Federal Vote
- (2) Community Services
- (3) Restoration of Depressed Areas
- (4) Credit Opportunities
- (5) Encouragement of co-operatives
- (6) Credit Unions
- (7) Social Welfare
- (8) Adult Education
- (9) School Leaving Age
- (10) Courses in Indian Culture
- (11) Liquor Laws
- (12) Law Governing Adoption of Children
- (13) Development of Indian Crafts

(1) Federal Vote

We urge that all Indians be given full Canadian Citizenship without prejudice to their Treaty rights and Band membership.

We realize that there are many difficulties and hazards involved in giving the vote to the Indian. Nevertheless, we felt that this action should be taken to overcome one of the chief barriers keeping Indian and non-Indian Canadians apart.

(2) *Community Services*

Where an Indian Reserve borders an organized municipality, we recommend that arrangements be made for the municipality to train as auxiliary constables, firemen, sanitary engineers, etc., some members of the Indian Band.

We believe that such an arrangement would be of advantage to both communities. The municipality would have a body of extra policemen, fire-fighters, etc., who could be called upon in an emergency, while the Band Councils would have a number of trained men living on the Reserve, who could be employed to assist in the maintenance of law and order, fire protection, etc.

Law enforcement on the reserves frequently suffers because the R.C.M.P. are not able to keep a sufficiently close watch on what is taking place there. Even the most conscientious officers, working from their headquarters on the outside, cannot handle the situation with the same efficiency as a person living on the reserve.

A broader scheme than we have proposed for police protection on the reserves, is described in the Hawthorn Report p. 435-36.

"For each Band of large settled population, there should be a special supernumerary constable, appointed, according to the law as it now stands, by the R.C.M.P., but selected principally by the Band Council. Such constables should be paid an adequate sum by the Department, or the Band, where it has funds, and should have an official insignia of office. The R.C.M.P. should be approached to devise a special training for such constables, embracing the elements of criminal law, police duties and of self defense and arrest."

We wish to endorse this scheme also.

(3) *Restoration of Depressed Areas*

Because of the existence of a number of depressed Indian communities in Canada, particularly in B.C., we recommend that a study be made of the United Kingdom's Local Employment Act and its predecessors, with a view to implementing similar policies in Canada.

Although we believe that eventually the Indian people will move off the Reserves and become absorbed in the general population, we do not think that this is a process which can, or should, take place too suddenly. The rate of movement will vary in different localities, but we believe that the majority of Indians will continue to live on reserves for at least the next twenty-five years.

Some of these reserves are situated in areas from which a primary industry has been withdrawn, and the people are unable to obtain work near home. Unless some creative measure is taken, they will come to rely more and more on relief. It is for this reason we recommend a study of methods used in Great Britain to re-establish industry in areas of chronic unemployment. These methods include, among others, the erection by the Government and the leasing to private firms at low rentals, of well-designed industrial buildings, installation of basic services, the provision of housing and amenities for workers etc.

The financial costs associated with this program would appear to be considerably less than those of maintaining a large part of the community on relief. From the point of view of the morale of the people, the scheme is vastly preferable.

(4) *Credit Opportunities*

We recommend that Section 88 of the Indian Act be amended to make it possible for an Indian living on a reserve, to obtain long-term credit for industrial or provident purposes, particularly housing.

This is a matter of great urgency.

Because of lack of capital, many Indians on the Reserves are prevented from establishing themselves in business, constructing their own homes or making improvements to existing dwellings. At a recent conference of Indian Business men, sponsored by our Society at the University of British Columbia, the seriousness of this situation was stressed by almost every speaker.

The Chartered Banks are unable to make long-term loans to Indians because of provisions of the Indian Act, Band Funds are seldom available, and the Revolving Fund, administered by the Indian Affairs Department, is too small, and too restrictive in its application to meet the general long-term needs.

In our opinion, the most desirable method by which long-term credit could be extended to Indians would be one by which the borrowers used existing sources of credit in adjacent communities, such as local banks, credit unions, etc. with the government on advice of the local Superintendent underwriting the loans. Perhaps a miniature N.H.A. could be put into effect for Indians, through which they could borrow money for the construction of homes on the reserve, with building regulations enforced in keeping with other local development schemes.

(5) *Encouragement of Co-operatives*

We urge that energetic efforts be made to induce Band Councils to study the principles of co-operatives, with a view to establishing such and qualifying for one of the special loans offered by the government for co-operative purposes. Indian Act . . . Section 69 1. (b).

Co-operative community enterprise would benefit the Indian people in two ways; (1) It would start small industries and provide necessary public works at minimum cost. (2) It would draw together a larger number of Band members in a joint effort and promote a sense of solidarity.

However, no co-operative project should be undertaken until those who are to direct it have a thorough knowledge of the economic principles involved. This requires months of study and some professional guidance.

In B.C. the University of British Columbia is well equipped to supply education and guidance in this field. No doubt universities in other provinces could provide such services to Indians, if called upon to do so.

(6) *Credit Unions*

Because of the need for short-term loans among Indians engaged in primary industries such as fishing, farming, logging, etc., we recommend that instruction in the use and operation of credit unions be made available to village groups.

As the income of most Indians fluctuates greatly during the year, it is especially important that opportunities for saving money and for obtaining short-term loans should be readily available. But banking facilities are frequently non-existent on or near the reserves. The establishment of credit unions, we believe, is the best way to remedy this situation. These, however, could only operate effectively if an improved desire for this type of savings opportunity has been aroused and if instruction in credit union principles and organization has been given beforehand, so that members fully understand their obligations.

(7) *Social Welfare*

To meet the welfare needs of the Indian people, we recommend that a social worker be attached to each agency. We are aware that this recommen-

dation cannot be fully implemented for a considerable time, but we believe that an immediate start should be made by the appointment of social workers to some of the more populous areas.

At present the Superintendent of an Indian agency, in addition to his regular duties, carries a heavy burden of welfare work. With a trained social worker available he could pass on to a competent official those numerous welfare cases which need careful inquiry and expert counselling and assistance, as well as projects of a community welfare nature such as home maker's clubs, recreation activities, youth groups, etc.

We would suggest that the Indians Affairs Branch give consideration to securing these services through Federal-Provincial agreement. Such a plan would tend to decrease expenses and bring the services available to Indians to approximately the same level as those provided for non-Indians in the same area, and would be conducive to a fuller co-operation amongst all social workers in any district.

(8) *Adult Education*

In order to bring adult education to the Indian people, we recommend that travelling instructors, especially trained for the work, visit a designated reserve for six weeks to two months at a time, in order to carry on varied courses of instruction.

Today many men and women living on the Reserves have not enough education to cope with the social and economic problems with which they are faced. Adult education is a vital need. We believe that the cheapest and most effective way of meeting this need is through short courses given by pairs of specially trained instructors, who would travel by caravan from village to village taking their teaching equipment and sleeping accommodation with them. The courses would vary according to the needs of the locality, but would include such subjects as, "Local Government", "Principles of a Credit Union", "Elementary Course in Carpentry", "Child Care", "Choral Singing", "English Vocabulary Improvement", etc. The possibility of having a social worker as one of this team might be considered.

Such a plan was first recommended to the Parliamentary Committee on Indian Affairs in 1946 by Dr. Alice Ravenhill. In 1956 Dr. H. B. Hawthorn, in his report, urged its adoption for the Indians of British Columbia. (p. 317-418 "Indians of British Columbia.")

(9) *School Leaving Age*

We recommend that Section 116(b) of the Indian Act be amended to make the School Leaving Age for Indian children the same as that which is lawful for non-Indian children living in the same province.

The present Act, permits an Indian child who has completed grade VIII at twelve years of age to leave school. Thus, a particularly bright child, of the type which could benefit most from High School education, may be tempted to drop out of school and go to work. If the school leaving age were the same for all pupils this temptation would be removed.

(10) *Courses in Indian Culture*

We recommend that all people working professionally with Indians should take special courses in Indian culture, history, etc. Such courses are not now readily available and should be established in all provinces. The professional worker cannot deal successfully with the Indian people unless he knows something of their history and cultural background. This is particularly true of superintendents, teachers of Indian children, and social workers. Courses in Indian history and culture should be given at all Teachers' Training Centres. Correspondence Courses in these subjects should be established in every province, so that professional workers, who could not attend classes at a specified time and place, might obtain the necessary knowledge for themselves.

(11) *Liquor Laws*

We recommend a revision of Sections 93 to 99 of the Indian Act to provide that no act concerning intoxicants done by an Indian will constitute an offense before the law, if the same act is not an offense when committed by a person who is not an Indian. While we recognize that Indian Bands should still have the opportunity of prohibiting the possession and consumption of liquor on the Reserves, we feel that the enforcement of this prohibition should be the responsibility of the Indian Bands concerned.

At present, in British Columbia, the difference in the liquor laws as they apply to Indians and non-Indians is a source of much resentment among the Indian people, most of whom consider it a form of racial discrimination.

A high proportion of convictions registered against Indians are for acts which are illegal only when committed by an Indian. The feeling is justified that the victims of this legislation are penalized, not for offenses against public order, but simply for being Indian. Knowing that they cannot buy liquor at the Government Liquor Store, Indians frequently obtain it from the bootlegger, and this traffic often leads to other infringements of the law. It also leads to heavy drinking, as, not wishing to be charged with having liquor in their possession, many Indians will try to consume the contents of a bottle as quickly as possible.

(12) *Laws Governing the Adoption of Children*

We append a copy of a submission made recently to the Honourable Minister of Indian Affairs by the President of our Society. It explains why we believe Section 11, Subsection D of the Indian Act should be altered, to make it possible for a child adopted by an Indian couple to be given the same status in the Band as a child born to the couple. In our opinion racial status should be determined by law rather than heredity.

(13) *Development of Indian Crafts*

We recommend that a plan be formulated for the development and sale of Indian crafts, similar to that which has been used among the Eskimo in the far North. Among many groups of Indian people traditional crafts remain, and with some guidance in adapting designs to modern needs and help in obtaining supplies and in marketing, native craftsmen could produce a quantity of attractive goods which would be a source of personal satisfaction to the makers and would provide a valuable means of increasing the family income.

In the province of British Columbia, a variety of craft, old and new, is practiced: totem pole carving, basketry, leather work, argillite carving, knitting, and silver work. Indians in other provinces have different skills, but they all need guidance in the production and sale of their work.

Respectfully submitted.

V. E. Ashdown.
Miss V. E. Ashdown,
Corresponding Secretary,
B.C. Indian Arts & Welfare Society.

A SUBMISSION

To the Honourable Ellen Fairclough,
Minister of Immigration and Citizenship

Regarding the Amendment of Section 11, sub-section (d) of the Indian Act (1951)

Section 11 of the Indian Act defines those persons entitled to be registered in the Band Lists and General Lists of the Indian Register, which are described in Sections 5-10 of the Act.

Sub-section (d) of Section 11 stipulates that a person is entitled to be registered if that person is the "legitimate child of

(I) a male person described in paragraph (a) or (b), or

(II) a person described in paragraph (c)".

It is submitted that the public interest would be served by amending this wording to read:

"the legitimize child, or the legally adopted child, of

(I) a male person described in paragraph (a) or (b), or

(II) a person described in paragraph (c)".

The present wording of the Act denies to adopted children the rights which are automatically extended to the natural children of the same parents, and makes adopted children second-class members of their own families. Since Provincial adoption laws are designed to secure the absolute equality of natural-born and adopted children within a family, the operation of the Indian Act tends to deny to certain Indian families the benefits provided by Provincial law to non-Indians.

The rights which are most likely to be prejudicially affected by the operation of sub-section (d) are the rights of a child adopted by Indian parents to health benefits, to educational opportunities, and to the inheritance of property. Unless the child's name is included in a Band List, these rights may be lost completely. To secure these rights, by the addition of such a child's name to the Band List, involves a procedure which violates the privacy ensured to non-Indians by the Provincial adoption laws.

It would seem that there was no intention, in drafting the Indian Act to discriminate against adopted children. Section 48, sub-section (16) provides that, for the purposes of that section "child" includes a legally adopted child". The 1956 amendment of Section 48 even extends the term to include "a child adopted in accordance with Indian custom". This is an enlightened and humane provision, and the omission of this provision from Section 11 would seem to have been inadvertent. The omission would seem likely to lead to conflict between the provision of Section 11 and Section 48.

Respectfully submitted.

C. S. Burchill,
President,
The B.C. Indian Arts & Welfare Society,
Royal Roads, Victoria, B.C.

APPENDIX "H3"

ANAHIM INDIAN BAND, B.C.

Anahim Indian Reserve,
Hanceville, B.C.

To:

The Chairman,
Joint Committee of the Senate and the House of Commons
on Indian Affairs,
Parliament Buildings, Ottawa, Ontario.

Dear Sir;

On behalf of the Anahim Band of the Chilcotin tribe of Indians we submit this Brief for your favorable consideration.

The Anahim band consists of approximately four hundred and fifty Canadian Indians registered under the Indian Act. By provisions of the Indian Act lands and rights have been acknowledged by Dominion and Provincial governments as belonging to us, as well as all legislation contained in the Indian Act since the time of Confederation. These provisions constitute our means of security for ourselves and our families.

Consequently alterations in the Indian Act should not be made unless there is grave cause, and unless it can be clearly shown beforehand that such changes will benefit the Indian people. Continuous study however, should be given to problems of administration of the Indian Act. We approve the practice of the Indian Department of calling the chiefs together annually to discuss and solve local problems.

We ask the Department of Indian Affairs to continue the survey of individual allotments of land on the Anahim reserve to help the people to develop and to improve their holdings.

The irrigation system which is partly built should be speedily finished. Irrigation is a most serious problem here. The completion of the present project will give us a two-fold benefit. It will assure us a permanent supply of water for agriculture, and it will drain and improve our upper hay meadows for winter feeding of our livestock.

Electric power should be made available for the Anahim village as quickly as possible.

A practical plan should be devised by the Indian Department to help the Indian families to increase their incomes from hay and cattle through supplies of stock and machinery.

In 1925, Indian traplines were taken away through our misunderstanding and ignorance of the B.C. regulations which were effected at that time for registration of traplines. We ask that all the traplines in the Chilcotin district should be reserved for the Indian people, because now and for many years ahead, trapping will be a most important means of living for our increasing population.

We ask that Indians who qualify, be given preference in the allotment of all three classes of hunting and guiding licences by the Provincial Game Department of B.C.

Special fishing grounds should be reserved for the Anahim Indians on the shores of lakes where fish abound, such as L. Pelican, Beaver, Mons, and Fletcher. At some of these lakes which are our traditional fishing grounds, our Indian people have been denied access by lodge owners, even when we are in need of food, because the Indians fish for food only, and not for sport only, as do patrons of the hunting lodges.

Our local Council has applied to the Indian Department for assistance in building six new houses in addition to those built already by the Indian Department in recent years. Actually there are twenty-two Indian families in urgent need of new housing on the Anahim reserve.

The implementation of a house building program is long overdue, and it is absolutely necessary for the health and welfare of this band.

Adequate hospital facilities are not yet provided at Anahim to supplement the good work of the doctor and clinic recently installed here by the Health and Welfare Branch. A six bed hospital for maternity cases and nursery care of children is very necessary at Anahim.

The Anahim people appreciate the new Indian day school with its modern equipment which is nearing completion, for the elementary grade children. As these children reach the upper grades we wish the Indian Department to build the addition to a junior high school right here in Anahim.

We plead the necessity of the Cariboo Residential school at Williams Lake for special children.

As the members of the Anahim band are of the Catholic Faith, we endorse fully the appointment of religious teachers as best for our school children in our school.

We take this opportunity to thank the members of the Committee in advance for the aid that your deliberations may bring to us.

Chief Douglas Hance

Band Councillors:

Raymond Alphonse

Maxine Mack

Herbert Hance

Lawrence Stump

Interpreter:

Charlie Alphonse

APPENDIX "H4"

BRIEF SUBMITTED BY THE NATIVE PEOPLE OF THE BELLA BELLA BAND, B.C.

to

The Joint Committee of The Senate and The House of Commons
on Indian Affairs.
December 8th, 1959

In accordance with the letter of August 12th 1959 from Mr. E. W. Innes, Committee Clerk, stating that "those bands who have special problems, suggestions for improving the social and economic lot of the Indians or any changes to recommend in the Indian Act may submit their views, in the form of a brief", we the people of Bella Bella take pleasure in forwarding the following information and proposals.

INASMUCH as the Native people of Bella Bella B.C. depend almost entirely upon Salmon fishing as a means of livelihood:

There is no other adequate form of employment in the vicinity apart from herring fishing which is limited to a very few, and since there is no likelihood that there will ever be other industry in this area owing to the fact that the natural resources do not lend themselves to the encouragement of such, and the

trapping industry in the winter months has almost reached the point of complete depletion for those of the Bella Bella Band who are fortunate enough to still hold trap lines:

The present system of conservation by the Fisheries Department closes too many areas leaving only a few small areas in which almost the whole fishing fleet must concentrate, both seine and gillnetters, thus making it difficult to fish on account of the congestion of boats and fishing gear in small areas:

The present practice of closing areas for ten day periods for conservation purposes during the salmon fishing season makes it almost impossible for fishermen to operate without incurring costs that exceed their income:

The people of Bella Bella are approximately 90% members of the Native Brotherhood of B.C. and will be submitting a copy of this brief to the central offices of the organization in the belief that they voice the common interests of our people along the entire coast of B.C.

IT IS RECOMMENDED THAT:

The Government be urged to take action towards the opening of Salmon fishing in *all* areas along the coast of B.C. from 6 p.m. Sunday till 6 p.m. Thursday during the Salmon fishing season, for both gillnetters and seine boat fishing, thus providing a wider area over which boats and fishing gear would be spread, and eliminating the congestion in a few limited areas, and consequently providing 72 hours closed to fishing each week and eliminating the necessity of ten days "closures" for conservation purposes.

Signed:

Frank Wilson,
Chief Councillor,
Bella Bella Band,
B.C.

APPENDIX "H5"

BURRARD INDIAN BAND, B.C.

November 19, 1959.

We, the members of the Burrard Indian Band of No. 3 Reserve, North Vancouver, B.C., do hereby submit our views in regard to changes in the Indian Act.

These requests were made at a General meeting held on Sunday, September 20, 1959 at 2.34 p.m. The motions were made as follows:

(1) M/S That all Indians throughout Canada be allowed to have the same liquor rights as the white man. Motion was passed.

(2) M/S That more assistance be given to Indian High School graduates in regard to working conditions. Motion was passed.

(3) M/S That an infirmary be erected on a central location where different bands can make use of for the aged. Motion was passed.

(4) M/S That we have better hospitalization, better doctor service and a district nurse in the Vancouver Agency. Motion was passed.

(5) M/S That our Indian people all through Canada be allowed to send their children to a school of their own choice. Motion was passed.

(6) M/S That all female members of the Burrard band who, by way of marriage to a white man or an Indian who is franchised, and are classed as enfranchised, retain her rights to the wild part of the land in case of sell or lease. Motion was passed.

(7) M/S That a fire hydrant be put on a central location on our reserve in case of fire. Motion was passed.

(8) M/S That we be given garbage pick-up service, as the North Van No. 1 Reserve has the service.

We sincerely hope that these requests will be given careful consideration.

Respectfully submitted,

Chief Dan George,
Chief
Robert George,
Councillor
Leslie Thomas,
Councillor.

APPENDIX "H6"

COMOX BAND, B.C.

We of the Comox Indian Reserve are grateful that someone in government circles is ready to listen to what we have to say. Having read the brief prepared by Native Brotherhood of British Columbia of which we are all members let us first say we support this brief fully and we are in full agreement.

However we would like to add to this item concerning education which we feel is the most vital factor in the advancement of the Indian people.

First we understand vocational training facilities for high school graduates are filled to capacity in many courses. There should be more vocational training facilities available.

Secondly we feel there should be a committee set up in this province to be specifically concerned with high school students and graduates and their future training. A committee that would take a little more than a statistical interest in the student and be prepared to offer them advice and aid in further schooling. The agent in each agency is usually so busy with so much other business something like this would not only help the student but also speed things up in the process.

Here in this village we have a girl who graduated from Courtenay High School in June of 1958 who only now in January of 1960 will be starting a practical nursing course that she has been writing the agent about since May of 1958.

Another item concerns Income Tax. We feel that the present policy of taxing Indians who are forced to make a living off the reserve is discriminatory. Interior Indians who are farmers, ranchers, or trappers on their own reserves pay no Income Tax, while coastal Indians who have never known any other livelihood than fishing, have no alternative but to leave the reserves to earn their living.

APPENDIX "H7"

FRANCOIS LAKE BAND, B.C.

To: Mr. E. W. Innes, Clerk of the Parliamentary Committee on Indian Affairs,
Parliament Buildings, Ottawa, Ontario.

From: Chief Keom Morris of Francois Lake Band, Grassy Plains, British
Columbia.

I am writing you this letter to see what can be done about our flooded out traplines. I, Keom Morris, and my brother, Steven Morris, have had the biggest traplines in the Ootsa Lake area together with six cabins. There are the trails we have hacked out of the bush, but we have lost our traps and snares that are used for trapping. Robert Skin also lost his trapline as a result of the flood. Mr. W. S. Arniel, Indian Commissioner for B.C., was around here about the time Ootsa Lake was being flooded. He told the three of us that we would receive compensation for our traplines but that has not happened to this day. We have spent a lot of money already trying to get the money which is due to us from the Aluminum Company. Only Jimmy Andrew of Francois Lake Band has received compensation for his own trapping cabin—which happened to be able to be seen from the Lake. The Indian Department just kicked the rest of us out. We need the money immediately. People tell us that we shall never budge the Aluminum Company. It is like trying to budge a stone wall. They wouldn't give an inch in the direction of paying for our cabins. We could prove we had cabins but they are all under water now and they won't believe us. They have given us Indians a hard time; only the whites benefit by their work.

As for our present Indian Agent at Burns Lake, people like myself and others who are unable to work should be receiving relief rations monthly as long as they live but the Agent will not help us. When sometimes we ask for it, he just kicks us out, or we get rations only for 2 or 3 times; then he cuts off everything, with the result that there's nothing to eat. We try then for small game. Some of us have many children to feed. With small game, there's never enough to go around. Elsewhere, another Indian Agent gives good help to Indians including cattle and horses and farm machinery, but our Indian Agent doesn't do that.

There's one section of the Indian Act that I want to remain as it is. I'm saying this for all of us south side people—90 people altogether on this side of Burns Lake. Do not let an Indian into liquor stores anywhere; there have been too many murders, shootings and stabbings committed in British Columbia on account of liquor. None is hanged for his crimes especially members of the Babine Lake Band. It is permissible for an Indian to go into beer parlours all over B.C., but in Burns Lake for some reason we South people would be barred from such parlours. It would be good if the Babine Indians were likewise barred the beer parlours for life.

There is a rumour that we Indians are likely to be required to get and to pay for licences for everything relating to fishing, hunting and trapping. We do not want it that way, as we are too poor to afford the purchase price. This is All.

Chief Keom Morris,
Francois Lake Band,
Grassy Plains,
British Columbia.

APPENDIX "H8"

Council Brief
HAIDA INDIAN BAND
Haida P.O., Masset, B.C.

November 27th, 1959.

Submitted to the Joint Committee of the Senate and the House of Commons on Indian Affairs.

1. The present demand being made by various Indian and non-Indian organizations, that the Federal Vote be granted to Canadian Indians on the same basis as the Provincial Vote was granted in British Columbia to its Indian population, is fully endorsed by our Council. We are of the conviction that such a step taken by the Government would greatly enhance the spirit of the Indian people, in a pride of belonging to, of the new role of responsibility in, and the distant vision of independence. It would serve as the greatest leverage of destroying racial discrimination against our people in all the aspects of Canadian life.

2. The controversial issue of the Liquor privilege, embarrassing as the problem is to the leaders that are required to demand same, with the knowledge of its serious effects on Society, the havoc and degradations, and numerous misfortunes and tragedies that it leaves in its wake in its abusive use, and the conditions under which, our Indian people have indulged under existing liquor laws, is still a demand we feel is fully justified, if the Indian people are going to ever learn the finer virtues of responsibility and discipline in this matter.

3. The Housing problem of our people living on this reserve, still leaves much to be hoped for in spite of the recent effort for improvement by increased appropriations. Due largely to the inadequate incomes of our people, which is chiefly derived from seasonal fishing activities, hampered not only by conservation restrictions, weather conditions, uncertainty of salmon runs, and the effects of Unionism, the economy of our Indian people today is very unstable, and many remain in very destitute circumstances with the complete lack of any other industry in this locality or any worthwhile resources on the reserve to provide any additional incomes in winter months.

The birthrate of our people is very rapid resulting in a fast growing population, presenting with it problems of sanitary accommodations, overcrowding, lack of running water, sewerage, and plumbing systems, electricity—lights and all the other appliances that make better living conditions.

Houses are still mostly heated by wood-stoves and ordinary metal stove-pipes which result in numerous fire accidents yearly. We firmly believe that any effort to improve the living conditions of Indian people must begin in their homes. Comfortable and convenient places to live in, that will provide a stimulus for striving for the better things of life. To be an asset to the country rather than a continual problem living in privations. We would urge the Government for extension of Electricity from the British Columbia Power Commission program on the Queen Charlotte Islands to the village of Haida, as soon as funds are available for such expansion.

4. The Educational and Vocational Training programs can still be improved by additional encouragement to young men and women, with Scholarships in those subjects not already provided for. The ultimate success of the Indian population as Citizens of Canada hinges on their proper preparation to acquire and maintain a place for themselves in the Canadian economy. The importance of learning Trades and professions to establish themselves, and meet the constant challenge of competition cannot be overstressed.

5. Law-enforcement is a problem of our Indian population on the reserve today, which has not been determinedly defined. Since the first revision of the Indian Act and the subsequent amendments, Councils on reserve are no longer required to appoint Constables from Indian Band members with yearly payments as formerly practised. All jurisdiction for law enforcement seem to have been transferred to the Royal Canadian Mounted Police Force. Road regulations governing the licensing of motor vehicles, using Provincial roadway through village formerly owned and built by Indian free labour are not being reasonably enforced to the safety of the public and children. School Curfew seems to be sadly neglected, being the responsibility of R.C.M.P., Possession and consumption of liquor on reserve still not in compliance with the Indian Act, and the illegal traffic of same seem to go unnoticed or unchecked. Regulations governing Fire prevention and precautions, and regulations governing health and sanitation seem to have been left to take care of themselves.

We would urge the Government for a more decisive action and policy embodied in the Revised Indian Act.

6. Much can be said to improve the Indian economy. Some of the problems are already outlined under paragraph 4. Living as we are in this community, practically on the outskirts of the industrial life of British Columbia, the problem of winter Unemployment is becoming worse each year. We demand the Federal Vote, the same privileges and Social benefits enjoyed by ordinary Canadian Citizens, the problem confronting our Indian people is how they are going to be able to contribute to the program that make those privileges possible. Certain benefits have been realized from the Revolving Fund by the more resourceful individuals. We feel that the same opportunity be available to a Community such as we have in Masset, on a much larger scale with the idea of industrial development of natural resources of Timber wealth. A winter program of logging and saw-mill operation, or perhaps the development of agricultural products on a large scale, Beef-cattle ranching under proper supervision may prove profitable and provide employment to many.

We would urge the Government to do more research and investigation into possible means of industrial developments on the reserves as an answer to the unemployment problem of the Indian people on those reserves, and to be more liberal with funds to assist these projects.

submitted on behalf of the Haida Indian Band Council.
Masset, B.C.

Sgd. Godfrey M. Kelly.
Chief Councillor.

APPENDIX "H9"

HARTLEY BAY BRIEF TO JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS ON INDIAN AFFAIRS

We, the Chief and Councillors of Hartley Bay representing the people of Hartley Bay Band of Indians, of the Skeena River Agency, as a result of a general meeting held on December 8th, 1959 at Hartley Bay, B.C. (Kulkayu I.R. #4) do make the following recommendation to change section 69 of the Indian Act:

That whereas the existing provisions of the Indian Act dealing with revolving fund loans is too restrictive in that both the amount and repayment terms are insufficient to permit villages such as Hartley Bay to obtain loans for major village improvements such as electric power plants, water systems, community halls, etc.

That provision be made for granting to organized Indian communities and villages long term loans repayable over a period of twenty or twenty-five years, and for amounts up to at least twenty-five thousand dollars, where the community or village has regular by-laws controlling the operation of the service required, and the collecting and disbursing of funds for operating and maintaining the service.

We think the Special Joint Committee will agree that the inability of Indian communities to obtain loans adequate for the installation of such essential services as electricity, water, and accomodation for business and social gatherings, will delay immeasurably the progress of the native Indian people towards taking their place in the Canadian community as a whole. The present restrictions of five-year repayment, make it impossible for small communities to acquire modern services. The income level of our people is much below average because we can only engage in seasonal fishing, no other form of employment being available to us in our isolated location one hundred miles from the nearest White community. This applies also to many more native Indian villages and communities throughout Canada.

Chief Johnny Clifton
Councillor Charles Robinson Sr.
Councillor
Councillor Heber Clifton Jr.

APPENDIX "H10"

KANAKA BAR BAND

Chief Willie Samson,
Kanak Bar I. R.,
Lytton, B.C.
27th July, 1959.

To The Honourable the Ministers of
The Department of Indian Affairs,
Ottawa, Ont.

Dear Sir:

The Petition of the Indians of the Thompson Tribes Humbly sheweth: This is the recommendation of our agreements or Aboriginal Rights of the Thompson Tribes, placed and considered by we the Indians assembly this the

27th day of July in the year of Our Lord 1959, and our approval this covenant is to be held good by both parties. No man must break this agreement. We all know that no man must go against God's Will, as follows:

The Department of Indian Affairs,
Ottawa, Ont.

Exkitzam Reserve
P.O. Keefers, B.C.
6th June, 1918.

Dear Sir:

I beg to hand to you herewith the agreements or Aboriginal Rights of the Thompson Tribe.

This agreement was made by our (Late Chief David Spintlum) and granted and agreed to by Her Majesty The Late Queen Victoria's Representative, agreed to be held good by both parties, never to be violated by man. But to be hold good until the day of Judgment.

The Indians had a lot of trouble with the white man when they arrived here, so Spintlum went away to interview Her Majesty's Representative. When they met he told of the trouble and sorrow the white men were causing his tribe. He said: I have come to see you to tell you of all the sorrow your people have caused me and mine, I would like to know if we could not have things settled, so that we may live in Peace with one another like one family.

He made the following statements:

The running water and the trees of the Forest, my children and your children will use these as they see fit, they shall share and share alike.

The Fish: This is ours, we are to fish at any time for our food in any stream or lake, and if your children are in need of food they can do the same.

The Birds: That fly in the air and the animals in the forest these are ours also, we shall hunt and use these as our food.

Now all these things my children are to use, just as long as this world lasts.

For the God who made this world made us (The Thompson Tribe) and put us here in the middle of this Valley and gave us these things for our use and food.

I do not want any white man to enter, or break into our homes, nor tell us to move off our land to go and build elsewhere, we are to be left in Peace where we are.

That there is never to be any more blood shed of my children nor your children within the district over which I am Chief.

Lytton is the Central point and extends to the Four outer Posts, within which the Thompson language is spoken, and wherein my children go to hunt and prepare their food.

I believe God will protect us and no man will go against (His Will) we shall share and share alike yours and mine, we will live in Peace with one another till God decides to destroy this Earth.

The Queen's Representative then said: Yes you have spoken well, and it shall be as you say, no man must break this agreement. We all know that no man must go against "God's Will". As you have come such a distance to see me, I give you this knife and flags to show you that I agree to all you have said: and that we will be at Peace with one another, when you return to your people you will be able to hold these up to show them all is well between us. He also gave Spintlum a handkerchief and a Bible. When you return from here, we shall be as one, though you return alone, it will be as though I accompanied you to your people. For if there is any more trouble, you can depend, depend upon me to help you. I gave you these things to show you that I agree to

all you have said and that we are at Peace with one another. When Spintlum came back He told all this to His people. This statement I believe to be true and trusting you will protect our Rights.

Yours Respectfully,
CHIEF X BENEDICT

This Statement of Chief Benedict was dictated by him and Chief Wallace Hance, Chief Wallace Bradley, and forwarded to the department of Indian Affairs at Ottawa, Ottawa, Ont. Chief Benedict signed the statement alone in behalf of the Thompson Tribe.

This renewed our Indian Rights and agreements, when the Department of Indian Affairs at Ottawa, Ont., respectfully granted us our Rights and Agreements.

In April 16th 1927 the Thompson Tribe got together and put up a Stone Cross Monument for our Late Chief Spintlum with the Royal Gifts inscribed, and placed over his resting place.

A Historical Memorial Stone Cross Monument.

That renewed the decaying tree standing in the midst of Lytton, B.C. with four roots, which extends to the four outer Posts wherein the Thompson Indian language is spoken.

At the opening of the New School at St. George's School, Lytton, B.C., the Trustships from the Department of Indian Affairs, was here to open the New school in 1927. They also paid their visit and Respectfully appreciated the Historic Monument we made for our late Chief Spintlum.

In the year 1930 Late Premier Tolmie also visited and paid his allegiance to Chief David Spintlum's Monument. Was respectfully welcomed by Chiefs and Bands of Indians of the Thompson Tribe in the vicinity.

Where the Premier pronounced his interest to the Historic Monument, regarding (our Late Queen Victoria's) Royal Gifts by Her Majesty's Representative (Sir James Douglas) and the covenant made by Chief Spintlum.

The Premier Honourably announced his brothership to his Chieftain before the Monument, and to those who were attending the meeting, and the agreement was renewed, made by our Ancestors and your Ancestors.

The Premier said: we are brothers and sisters, I accept and respect the agreements made by your Elders and my Elders. I have taken deep Respect of interest in your respect to our brother before us resting in Peace by setting up his historic Monument in regards to his loyalty, who made Peace with the white people and succeed the blood, by the aid of Her Majesty's Government.

The Premier then pointed to the Rock Mountain across the Thompson river that junctioned the Fraser river. He said: You see that Rock across the River is firm, and big, no one can move it, so is our brother and Chief's Monument and the agreement he made, no one can break it or go against it.

He is my Chief and your Chief, we own this Province together let us develop this Province together, sent your children to school to be educated, if they are educated they will civilize their future lives and help the development of our country. I have informed you Indians, as I have to my younger generations.

Also in respect to the Chiefs Historic Monument, Mrs. Tolmie presented a Cross and wreath of For-get-me-nots, she placed them on the monument faithfully.

Our Agreements and Rights was renewed on that day by His Honourable Premier Tolmie of B.C. Government.

I Willie Samson was present and dictate the Late Premier's speech.

We demand this restriction on our fishing Rights and hunting Rights, should be cancelled and given the fullest privileges to fish and hunt at all times, because the fish does not run regular, only runs in 4 groups per year,

and workman with families only have Saturdays and Sundays to prepare their winter foods, the first run are too fat to dry or salt, these are permitted to reach spawning grounds, and on hot days and rainy days we don't fish, so the fish has all these times to reach their spawning grounds, according to the "Will of the Creator".

I have met a great many of my people and have asked them if they are in favour of Liquor privileges or to Vote.

They demand a full privileges to their Rights and no Liquor or Vote in Election.

We demand better education for our children, those going to day schools from home, they must be allotted enough money for their food and clothing monthly, as they do get in Residential schools to meet the education and facilities.

We object to any Electric power Dams to be build on the Fraser river or Thompson river, where our fish goes to spawning grounds.

The Indian Department at Ottawa, Ont., must pay all the costs of Education to students and that they must see that students go through University and college and remain as Indians.

The Trustships committed under Her Majesty's Government should show some respect for us Indians who own this country, and are entitled to the fullest benefit of our wealthy country which you white people now enjoy.

We also object to Section 6 of Chapter 138, revised Statutes of B.C. 1948, Grazing Act.

We should have some Respect in return. We do not want anything extravagant, we do not want anything hurtful to the real interest of the white people. All we want is that our actual Rights be determined and recognized as Our Ab-original Right, and greater Respect, as promised by your Ancestors.

Those who are in favour of Liquor Privileges and Vote, can get enfranchised and leave Indian Reservation.

We Thompson Tribe do not want to break our Laws, we demand protection, every man and wife should be given a chance to vote for liquor Privileges, as (yes) or not in favour. As Liquor is maniac education you bring upon us Indians.

Her Majesty Queen Elizabeth II took an Oath under the Crown, when Her Majesty was crowned as our Queen, a successor to the Kings and Queens of History, as to our Late Queen Victoria who first reign of this country, who administer the Will of God to maintain Peace on Earth.

At the opening of Parliament in Ottawa by Her Majesty, She commended Her Minister committed under Her authority to administer Justice amongst Her subjects to maintain Peace on Earth.

We Indians of Her Majesty's subjects also feel it is time that Justice administration should be granted to us Indians. Therefore we ask Peace on Earth good will towards men.

Dictated by Chiefs and Councils and corresponded by Chief Wm. Samson of the Kanaka Bar I. R. Band.

In behalf of the Thompson Tribe.

Yours Truly,

(sgd.) Chief William Samson
Ex-Chief Wallace X Hance
(now deceased)

Chief George Wish

Chief Harry Sam

Council John Frank Melst

Council Paul Nali

Council James Cisco.

APPENDIX "H11"

PETITION OF THE SECHELT INDIAN BAND
OF THE PROVINCE OF BRITISH COLUMBIA

We the undersigned chief and councillors of the Sechelt Indian Band on behalf of ourselves and our people petition yourself as a representative of the Parliaments of Canada and of Her Majesty the Queen in Canada as follows:

Our Indian children from the Sechelt Band have been in a great deal of trouble in regards to obeying the laws of the Government of Canada, with sixteen of our children charged and convicted of breaking and entering dwellings at one time and eight of our children charged with the same offense a few months afterwards. Further to this five of our juveniles were charged and convicted of the serious offense of raping a young white girl and these children are still serving their sentence in a detention home.

These offenses, together with others, all happened within the past year or close to the past year. The Magistrate of Sechelt Village, His Worship Andrew Johnston is extremely perturbed by the actions of our juveniles and has continually warned us that something has to be done.

We, as the Sechelt Band people, have not too much to say in the affairs of education of our children and we petition herein for an Indian Parent Teachers Association the same as the white people have in British Columbia. Further to this we ask that the setting up of an Indian School Board for our band be investigated for the good of our children.

We the Sechelt Band people have two places to send our children for their education. If the children are waifs they can be registered in the residential school at Sechelt with all others attending day school at Sechelt.

Most of the fathers of the Sechelt Band children are fishermen and loggers and must leave home for long periods of time so that there is no systematic paternal control over their children during these periods. It is the day school children who break the laws of Canada, while residential school children do not get in trouble with law enforcement.

Around the 1900's our people built the church and residential school at Sechelt themselves. They brought the lumber from Vancouver and Vancouver Island behind their boats in rafts and did the carpenter work on these buildings. They themselves cleared the land around the school and church.

Around 1945 the Indian Commissioner, Major McKie, asked the Sechelt Band what they thought of a day school and in 1951 the Sechelt Band people agreed to it. The hereditary chief at that time disagreed with this day school as did others.

The Sechelt Band agreed to let underprivileged children of other bands make use of their residential school at Sechelt. The Churchhouse Indians from Squirrel Cove at Cortez Island and the Sliammon Indians at Powell River send their underprivileged children to our residential school at Sechelt. At the time this seemed alright but since then our children have been in a great deal of trouble as students of the day school.

We petition, as the original builders of our residential school, as the people who paid from their own monies for this school in both coin and time, to be allowed to send those children whose parents wish it to our residential school in order to keep them from trouble with the law enforcement authorities. We do not ask that all the children be sent to the residential school, but only those children whose parents feel that this is the way to stop juvenile delinquency.

The Sechelt Band is in the midst of a logging area. We are not, as in other areas, close to the fishing grounds and cannot come back every few weeks as the Indians do at Butedale further up the Coast of British Columbia.

As loggers the fathers of our children do not travel each day to work and home again as a great majority of Indian loggers from other bands do. On Vancouver Island the Nanoose Bay and the City of Duncan Indians go back and forth logging each day. Our loggers must go away from the Reserve for long periods of time in order to earn a livelihood, as do our fishermen who are not close to the fishing grounds.

The community of Sechelt is primarily a logging community and the ways of life of the white people, with whom the Indians of Sechelt associate, are different than the ways of life of a great number of other communities that engage in logging but are not primarily logging communities. The districts and cities of Nanaimo and Courtenay also engage in logging but other industries such as farming and mining are just as predominate. Our people are not isolated either, as are the bands further up the Coast at Alert Bay and Klem-tu. We plead that we are different than other Indian Reserves in our surroundings and therefore must be considered differently than other Indians in the matter of our children's education.

We have only a small Reserve and cannot earn our livelihood from it as do the Indians of the Interior of British Columbia. We have to leave the Reserve to support our families. Neither have we the vocational training in such occupations as carpentry, shoemaking, storekeeping etc. to permit us to stay on the Reserve and earn our livelihood close to it.

We the undersigned chief and councillors on behalf of ourselves and our people, because of these reasons, petition that those parents of the Sechelt Indian Band who wish their children to go back to the residential Indian School at Sechelt, be allowed this right in order to combat juvenile delinquency amongst our children.

In further support of this petition we are preparing for submission to the Indian Affairs Committee of the Senate and House of Commons of the Government of Canada, a brief on Indian education in British Columbia, with particular emphasis on vocational training of our people in order to better prepare them for earning their livelihood.

Signed:

REG. PAULL,
Chief of the Sechelt Band.
 CLARENCE JOE,
Councillor.
 ARTHUR JEFFRIE,
Councillor.
 Per. "Mrs. MARY MARTHA JOE",
Councillor.

APPENDIX "H12"

SOOWAHLIE INDIAN BAND, B.C. (A)

Mr. E. W. Innes,
 Committee Clerk,
 Committees and Private Legislation Branch,
 House of Commons,
 Ottawa, Canada.

The welfare of the young natives and the generations to come is a serious and pressing problem among the Fraser Valley Tribes. Because we, the undersigned chiefs and councillors, realize this predicament, we submit this plan to raise the standard of living of these Indians.

An Introduction to the Plan:

The young Indians and the coming generations will find it increasingly difficult to acquire employment in the future.

On each reserve there is not sufficient land to satisfy a fraction of the Indians who may wish to enter farming. They will have to go elsewhere to seek jobs.

Indians who are loggers find that they have to go farther from home each year to find work.

Within a few years an Indian logger may be unable to visit his reserve but two or three times in a year.

During the slack seasons or winter months some who are unemployed will enter the cities, soon find themselves without funds, and be a burden on the cities and the federal government.

With the influx of immigrants into logging and construction industries, jobs will become scarcer for Indians, resulting in more applications for relief for longer periods in the year.

Whereas, for an unknown number of generations in the past, Indians have benefited from the large amounts of salmon in the Fraser River:

And whereas we and our children and our children's children should have as much right as anyone, whether Indian or otherwise, on the coast of British Columbia, to benefit from the Fraser salmon:

We propose this plan to employ these benefits to improve the welfare and standard of living of the Indians present and future in the Fraser Valley. We submit this plan for the earnest consideration of the Joint Committee of the Senate and House of Commons on Indian Affairs:

1. That Indians in the Fraser Valley between Mission and Yale be allowed to fish and preserve (can) salmon to be sold commercially.
2. That this said business be confined to Indians in the said district with no connection to any other fishing industry.
3. That a cannery be established through a loan from the federal government for the said Indians.
4. That government supervision be supplied for the
 - (a) building and operation of the said cannery;
 - (b) distribution and sales of products from the industry until the business has progressed enough for the Indians to carry on.
5. That Indian labour be used throughout.
6. That the cannery will be operated on a co-operative basis among the bands of the Fraser Valley in the said district.
7. That these said Indians will share the profits according to the size of their families.
8. That the catch limit (of fish) of the Indian fishermen be judged by the size of their families.

Norman Commodore
Chief.

Ted Cooper
Councillor.

Francis Kelly
Councillor.

SOOWAHLIE INDIAN BAND, B.C. (B)

Mr. E. W. Innes,
Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa, Canada.

We, the band members of the Soowahlie Indian Reserve, take pleasure in submitting this brief for the earnest consideration of the Joint Committee of the Senate and House of Commons on Indian Affairs.

1. Liquor:

It is our opinion that liquor or at least beer should be allowed to Indians on Reserves.

The main problem in the prohibition of liquor to Indians is that it is draining some of them of their finances, leaving them destitute. To explain this, Indians who want to drink will get liquor regardless of prohibition. They will pay prices ranging from ten to twenty dollars for a bottle of liquor. If they are caught in possession they will have a fine to pay or a sentence to serve in jail.

Because Indians are not allowed full liquor rights some will mix poisonous concoctions, such as wine with lemon extract and shaving lotion.

Beer parlours being the only place in which Indians are allowed to drink, some spend too much time in these establishments resulting in neglect to their families and their home life.

Where Indians are integrated with "whites" in clubs and organizations liquor prohibition is a discriminating factor.

We believe that with the lifting of liquor restrictions the social and economic problems of the Indians will improve.

2. Education:

We are not in favour of the practice of the Department of Indian Affairs in discontinuing payment for tuition of a student who fails.

3. Enfranchisement:

We express our feeling that we:

(a) have no desire to become enfranchised.

(b) wish to retain our aboriginal and hereditary rights as Native Indians.

4. Reserves:

1. No one, white or Indian, should be allowed to encroach upon our Reserve.

2. We ask that section 35 be deleted from The Indian Act, unless we:

(a) have the power to negotiate for terms of payment or

(b) receive compensation for lands which are taken.

3. In 1956, a fire was started on our Reserve by a trespasser, this fire spread to the timber and bush surrounding the Reserve. Damage and costs of fighting this fire were paid for from our band funds although members from this band received no payment for their services.

Matters of this sort should be the responsibility of the Government.

5. Housing:

1. There are three young married men in this band who are renting houses outside the reserve because they cannot receive help from the Department to build houses. Rent is costing these men between five hundred and eight hundred dollars per year. Another member of this band put up five hundred dollars and the Department supplied a thousand dollars. Fifteen hundred dollars was not sufficient to complete the house and because he is now paying rent and his family is increasing the house remains unfinished.

Whereas the funds allowed the Department to build houses for Indians is inadequate.

We request long term loans of five or ten thousand dollars for building or improving homes.

2. We support the brief submitted by the Aboriginal Native Rights Regional Committee of the Interior Tribes of British Columbia, wherein it is requested that Indians be trained and employed by the Department to build houses on reserves.

6. Health:

1. We ask that the services of dentists for members of this Reserve be paid by

- (a) funds from the Department, or
- (b) the band funds belonging to this Reserve.

2. In regard to field nursing we wish:

- (a) an increase in nurses because with the growing Indian population there is too much work for a nurse to cover in her district.
- (b) more medicine that we can obtain from the nurse without prescription.

3. Whereas some members have had to pay for part of the cost of operations:

We ask that all medical care, regardless of the nature, be borne by the Department of Indian Affairs.

4. We wish freedom to go to any doctor of our choice with the expenses paid by the Department.

5. When prescriptions are not available at the Coqualeetza Hospital we wish that the Department pay for the cost of filling them at a drug store.

7. Welfare:

1. We request more assistance for handicapped Indians.

2. We ask that the Provincial Social Welfare be employed by the Department to manage welfare and relief for Indians.

8. Self Government and Administration:

Whereas the Indian Agency tends to work against the bands at times, probably through misunderstanding,

And whereas someone from the Indian Agency is not always available to call on a Reserve at any designated time:

We request that a Native Indian be appointed as "trouble shooter" to convey any business of a band to the Indian Agency or Department of Indian Affairs.

All requests that we submit are asked not as charity but as our aboriginal right as Native Indians of the Dominion of Canada and the British Empire.

Norman Commodore
Chief.

Councillor:
Ted Cooper

Members:
E. P. Commodore
Thomas N. Kelly
Wesley Sam
Myra Sam
Albert Cooper
Josephine Kelly
Russell Kelly
Stan Mussell
Sophie Mussell
Eddie Mussell
Mary A. Cooper
William M. Kelly
Doreen Kelly
Marjorie Kelly

Councillor:
Francis Kelly

Members:
George Kelly
Ramona Kelly
Pearl Commodore
Theresa Commodore
Andrew Commodore
Lloyd B. Kelly
John Wallace
Sam Wallace
Gordon Kelly
Henry Kelly
Isabelle Kelly
Mrs. Doris Commodore
Wm. Commodore

APPENDIX "H13"
STONE BAND, B.C.

Band: Stone

Agency: Williams Lake, B.C.

Agent: Mr. Wm. Christie.

Hanceville, P.O.

Chilco Ranch

August 18th, 1959.

Dear Sir, The Indian Agent never had helped us with parceling out land. Some have no land.

He told us he was going to make some houses for us. When it comes to making, he says, "there is no money". Even for anything we asked for.

We asked for another bull and he didn't send it.

We cut some hay of government land, and we have to pay for it. A dollar a ton. If we asked for any acres of land he says "you buy it".

We never get the papers for the three hundred head ranch he had promised.

Will you please send the map of this Stoney Reserve.

Donald Myers	Not enough land
Phillip Myers	No land
Tony Myers	No land
Peter Myers	No land
Johnny Quilt	
Pascal Quilt	No land (use his Father's land)
Freddrick Quilt	Not enough land
Jack Quilt	
Dick Quilt	Not enough land
Andrew Quilt	Not enough land
Charlie Quilt	Not enough land
Oivie George	Not enough land
Johnny Montgomery	Not enough land
Willie Quilt	Not enough land
Percy Hink	No land
Atwell Holler	
Edward Jim	Not enough land
Frank Jim (Whitey)	No land
Simpson Dave	Not enough land
Frances Hances	No land
Duncan Amett	No land
Mac Quilt	No land
Francis Quilt	Not enough land
Muldeen Jim (Whitey)	No land

APPENDIX "H14"
WEST COAST ALLIED TRIBES, B.C.

Ahousat, B.C.

To the Joint Committee of Senate and House of Commons Appointed
 to Consider and Examine the Indian Act Ch. 149.

Dear Sirs,

Due to different economical and educational status of the present day Indian and also the Indian has to be geographically differentiated, we the Allied Tribes of the West Coast of Vancouver Island hope the Joint Committee appointed have all the qualifications as humanitarians to understand this great task of revising the Indian Act.

The assimilation of the Indian to the White Civilization has been hindered by the antiquated and outdated Indian Act, and the new Indian Act should be designed such that it fit the Indian into a better relationship in all respects with the dominant white population.

For this reason we are setting forth the following request of renewal, or additional, or an abolition of certain sections, or subsections of the Indian Act.

Signed: WEST COAST ALLIED TRIBES

The Following are Revisions Requested of the Indian Act,
R.S.C. 1952—Chapter 149.

1. *Reserves—*

Sections 18, 19 and 20

As the present day Indian can transact his own business, its Band Council should have full authority in dealing with any business concerning the use and welfare of its Reserves.

2. *Lands taken for Public Purposes*

Sections 35, 37, 38

As the Indians own all Reserved lands and all other lands due to non surrender of all B.C. Lands, he should not be subjected to the indignities of surrendering any of his lands to any authority unless he himself authorizes such transactions, and any expropriation of Indian lands made in the previous years should be reinstated to the rightful owner, the Indian.

3. *Sections 69, 88*

We request that there be less restrictions and less red tape for obtaining a loan from such as the

1. Revolving Loan

2. The Fishermen's Loan

3. Or from any Agency or any organization dealing in Loans for any purpose, and for that reason Section 88 should be abolished for the advancing Indian, or a sub-section added whereby it protects the Indian not wishing to forego his aboriginal rights, but a sub-section worded in such a way that an advancing Indian can go into any Bank and not be under any obligation to Section 88 or any other section of the Indian Act now hindering his progress.

4. *Section 93—etc.*

We request equal rights, as Whites, in obtaining intoxicants and to be able to enjoy it in any place and any time.

Because of the existing Laws and regulations, the differences of Federal and Provincial Liquor Regulations, there has been a noticeable atmosphere of discrimination and other factors arising due to the present Liquor regulations. As citizens of the Province of B.C. the Indian requests the same privileges as any other citizen.

5. *Schools—*

Section 113

The Allied Tribes request that some provisions be made to any child upon reaching the age of 16 years and not wishing to take up higher education but to be made to learn some trade and upon completion of learning a trade that the Department obtain suitable work for the child concerned.

The present setup of discharging students reaching 16 years or finishing Grade 8 and sending them home and expecting them to compete with Society without the regular Trade qualifications is creating delinquency and a critical unemployment situation on reserves, and in the end many have to resort to the indignities of a pitiful relief from the Department.

6. *Additional Section*

For those unemployed due to Seasonal Occupation closures for Fish conservation, the Indian requests that he obtain the same amount of social assistance as any white man in the country.

From the time the West Coast Indian became Ward of the Indian Department of Canada, all medical treatments and services had been provided and all

medical bills derived from visits to the doctor or from hospitalization had been looked after by the Department. But within the last two years, this practice evidently has been discontinued and even though ninety percent of the West Coast Indians have been on Relief from the Department throughout the winter and spring months, the result of a six-month Salmon closure for fish conservation, the Indians here have been ordered to pay their own doctor's Bills.

We, the Allied Tribes, request that the Indian Department once again continue the age-old practice of providing all medical and health services free of charge for the Indian.

(Signed) AHOUSAT BAND

Chief Councillor

PAUL SAM

Councillors

{FREDDY GEORGE
A. WEBSTER
LUKE SWAN
CHESTER CHARLIE

PHILIP LOUIE—District Vice-President

South West Coast—Native Brotherhood of B.C.

West Coast Allied Tribes *Business Agent*: J.S.E.....

(signature not legible)

Secretary: WILLIAM T.

(signature not legible)

APPENDIX "H15"

ULKATCHO INDIAN BAND, B.C.

Anaham Lake Indian Reserve, Anaham Lake, B.C.

December 26, 1959.

Committee Clerk,
Committees and Private Legislation Branch,
House of Commons,
Ottawa, Canada.

BRIEF ON PROBLEMS ON ANAHAM LAKE RESERVE

1. Larger revolving fund in this agency for lending money for purchase of cattle and farm machinery.
2. More follow-up supervision by Indian Agent.
3. Same liquor rights for Indians as for Whites.
4. Indian Agent to enforce articles in Indian Act that refer to duties of Chief and Councillors.
5. We believe Chief and Councillors to be paid even a nominal sum or fee.
6. Assistance towards recreational facilities would be a most valuable investment.
7. Guide licences to be restricted to individual trap lines for Anaham Lake reserve members.
8. Housing inspection on reserves.
9. Extreme great need of more meadow land for members of Anaham Lake Indian reserve; in particular we refer to purchase of Christensen ranch or (Cleso-pocket) which resolution is already before Superintendent of William Lake Agency. Failing this there is requested a road of approximately forty miles to available meadows. The situation is critical in regards to employment.

PETER ALEXIE
TEDDY CAHOOSE
JOHN JACK

Government
Publications

Government
Publications

~~E
92
A45
1960
no. 1-7~~ Canada. Parliament. Joint
Committee on Indian Affairs
Minutes of proceedings

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

DECATALOGUED

